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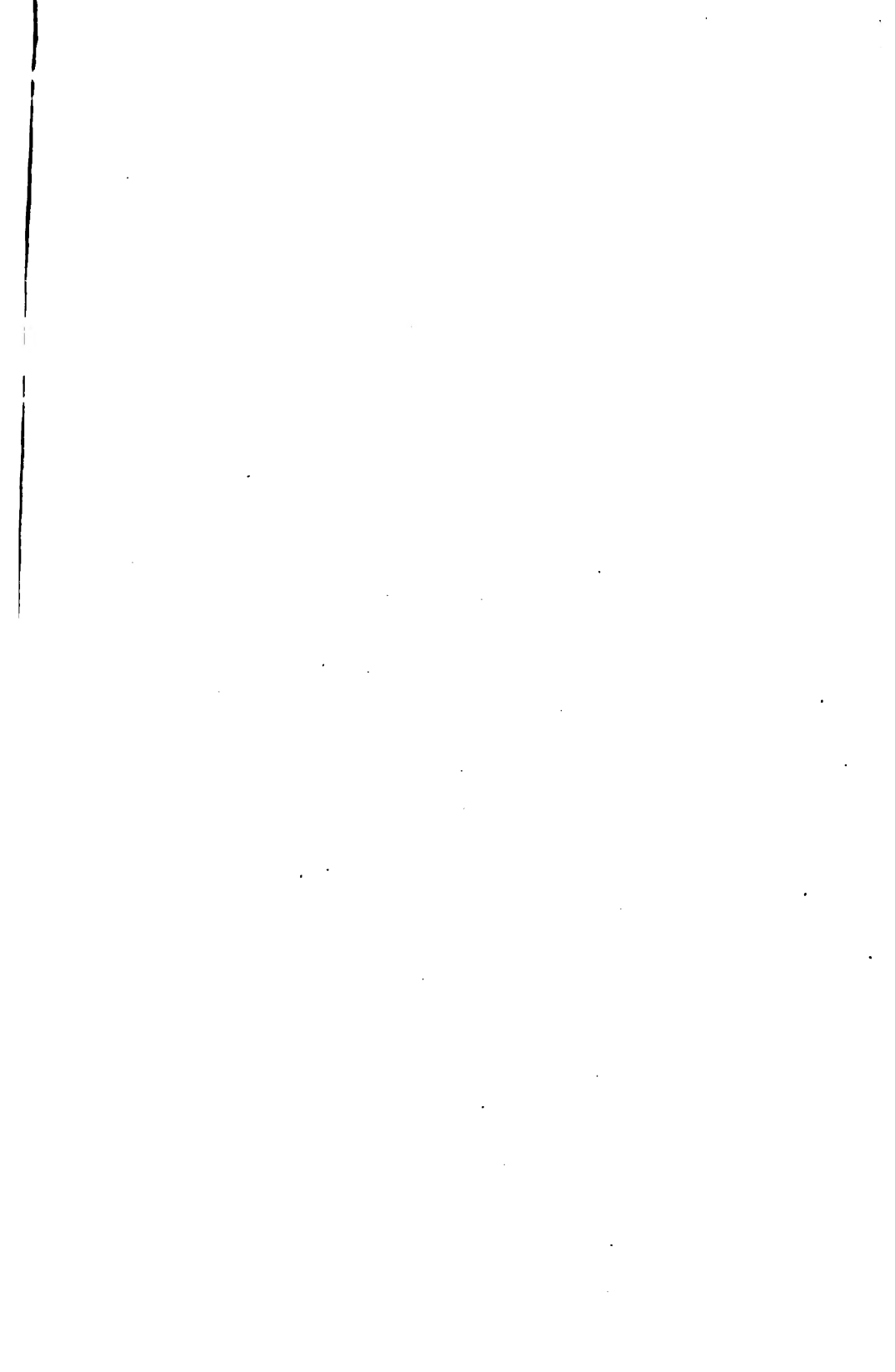
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JOURNAL *of the* SENATE

1909

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**COMPILED, ARRANGED AND INDEXED
BY WILLIAM SAVIDGE.
CLERK OF THE SENATE**

189844 .



MEMBERS OF THE SENATE.

Name.	District.	Island.	P. O. Address
BAKER, DAVID K.....	1	Hawaii....	Napoopoo, Hawaii
BROWN, JOHN T.....	1	Hawaii.....	Hilo, Hawaii
COELHO, WM. J.....	2	Maui, Molokai and Lanai..	..... Wailuku, Maui
CHILLINGWORTH, CHAS. F...	3	Oahu.....	Honolulu, Oahu
FAIRCHILD, GEO. H.....	4	Kauai and Niihau.....	..... Kealia, Kauai
HARVEY, FRANK R.....	3	Oahu.....	Honolulu, Oahu
KALAMA, S. E.....	2	Maui, Molokai and Lanai..	..... Makawao, Maui
KNUDSEN, ERIC A.....	4	Kauai and Niihau.....	..... Kekaha, Kauai
MAKEKAU, R. H.....	1	Hawaii....	Honokaa, Hawaii
MCCARTHY, CHAS. J.....	3	Oahu.....	Honolulu, Oahu
MOORE, H. T.....	3	Oahu.....	Honolulu, Oahu
QUINN, E. W.....	3	Oahu.....	Honolulu, Oahu
ROBINSON, WM. T.....	2	Maui, Molokai and Lanai..	..... Wailuku, Maui
SMITH, WM. O.....	3	Oahu.....	Honolulu, Oahu
WOODS, PALMER P.....	1	Hawaii	Kohala, Hawaii

OFFICERS OF THE SENATE.

President.....HONORABLE W. O. SMITH

Vice-President.....HONORABLE S. E. KALAMA

Clerk of the Senate.....WILLIAM SAVIDGE

Assistant Clerk of the Senate.....GEORGE K. LOWE

Sergeant-at-Arms.....PETER N. KAHOKUOLUNA

Chaplain.....REV. JOHN KALINO

MessengerP. VICTOR

Janitor.....A. H. K. KEOHOKALO

STANDING COMMITTEES.

Judiciary:

E. A. KNUDSEN, C. F. CHILLINGWORTH AND R. H. MAKEKAU.

Military and Public Expenditures:

C. F. CHILLINGWORTH, S. E. KALAMA AND R. H. MAKEKAU.

Public Lands, Internal Improvements, Agriculture, Etc.:

S. E. KALAMA, E. A. KNUDSEN AND P. P. WOODS.

Public Health:

W. J. COELHO, G. H. FAIRCHILD AND F. R. HARVEY.

Education:

WM. T. ROBINSON, E. A. KNUDSEN AND C. J. MCCARTHY.

Enrollment, Revision and Printing:

J. T. BROWN, E. W. QUINN AND C. J. MCCARTHY.

Accounts:

E. W. QUINN, WM. T. ROBINSON AND P. P. WOODS.

Rules:

S. E. KALAMA, E. A. KNUDSEN AND D. K. BAKER.

Ways and Means:

G. H. FAIRCHILD, J. T. BROWN, W. J. COELHO, H. T. MOORE,
AND E. W. QUINN.

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RULES OF THE SENATE.

REGULAR SESSION, 1909.

1

MEETINGS.

(1) After the day of opening the Legislature as prescribed by law, the Senate shall meet for the transaction of public business every day except Sundays, recognized holidays and such other days as the Senate shall, by motion or resolution duly adopted and entered in the Journal, designate.

(2) The hour of meeting, recesses, and of adjournments shall be such as the Senate shall by motion or resolution decide from time to time.

2

ADJOURNMENTS.

Meetings may be adjourned at any time. Unless otherwise specified in the motion, every adjournment shall be considered as the usual hour of meeting on the next following business day; but no adjournment shall be for more than three days, or sine die, without the consent of the House of Representatives.

3

QUORUM.

For the transaction of business, a majority of the number of members to which the Senate is entitled, shall constitute a quorum for the conduct of ordinary business of which quorum a majority vote shall suffice; but the final passage of a law shall require the vote of the majority of all the members. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be provided by resolution. For the purpose of ascertaining whether there is a quorum present, the Chairman shall count the number of members present.

4

PUNISHMENT OF MEMBERS.

The Senate may punish its own members for disorderly behavior or neglect of duty by censure, or by a two-thirds vote, suspend or expel a member.

5

VACANCIES.

All vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term at a general or special election.

6

ORGANIZATION.

When a session of the Senate is duly convened, the Senator from the First District who was elected by the largest vote, shall or in the event of his absence any other senator-elect may call the Senate to order and appoint a Committee of three whose duty it shall be to immediately examine the credentials of the members elect of the Senate. If upon said committee report it shall appear that a majority of the credentials are in order, the Senate shall proceed to organize and shall appoint a Committee of three to wait upon a Judge of the Supreme Court, or a Circuit Judge, and request him to administer the oath of office required by the Organic Act. Such proceedings need not be as of course upon the day of convening the Senate.

7

OFFICERS.

(1) The Officers of the Senate shall be: President, Vice-President, Clerk, Assistant Clerk, Chaplain, Sergeant-at-Arms, Messenger and Janitor, who shall be elected by ballot.

(2) The first four shall require a majority vote to elect; the others may be elected on a plurality vote.

(3) The officers shall hold their several positions during the pleasure of the Senate.

8

PAY OF OFFICERS.

The President and Vice-President shall receive no pay. The officers shall receive such compensation as the Senate shall fix by resolution. When once fixed the pay of officers shall not be increased except by unanimous consent.

9

DUTIES OF OFFICERS.

The President.

It shall be the duty of President:

(1) To open the sittings of the Senate at the appointed hour by taking the Chair and calling upon the chaplain to perform his duties.

(2) To call for the reading of the journal of the preceding day, when a quorum shall be present.

(3) To maintain order and a proper decorum in debate.

(4) To announce the business before the Senate in the order prescribed by the rules.

(5) To receive and submit all matters brought properly before the Senate, by the members, to call for votes upon the same and announce the results.

(6) To receive all communications and present them to the Senate.

(7) To appoint all committees unless otherwise ordered by the Senate.

(8) To authenticate by his signature all acts and doings of the Senate, when necessary.

(9) To make known rules of order when so requested, and to decide all questions of order, subject to an appeal to the Senate.

(10) To issue his warrant when so directed by the Senate to carry into effect its orders in the arrest of offenders, the summoning of witnesses, or other orders of the Senate.

(11) To decide all questions wherein the vote shall result in a tie, or where a vote is taken by ayes and noes.

(12) To do and perform such other duties as are required by law or by these rules, or such as may properly pertain to such office.

(13) In the case of disturbance or disorderly conduct, or on motion duly adopted, the President may have the Senate chamber cleared of all persons except the members and officers.

(14) The rooms, desks, passages, stairways, corridors, balconies, in and about the building set apart for the use of the Senate, shall be under the control and direction of the President of the Senate and he shall have control and direction of all the public property of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters.

10

The Vice-President.

The Vice-President shall exercise all the duties and powers of the President in his absence.

11

The Clerk.

(1) The Clerk shall have charge of all records of the Senate, and shall be responsible for the same. On no account shall he permit original documents to be withdrawn from his keeping unless ordered by the Senate.

(2) He shall make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the Senate; such memorandums shall state the nature of said matter, and give the name of the introducer. Such memorandums shall be dated each day, and shall also give the number of days of sittings. Such memoranda, together with other matter ordered to be placed therein, shall constitute the journal. The journal of each day shall be read the following day, immediately after Chaplain shall retire, as directed in Rule XIII. When such journal shall be corrected and approved by vote of the Senate, it shall be entered by the Clerk in a book to be called the "Journal of the Senate. Session of" (giving the year).

(3) He shall read all bills, resolutions and other matter, if so required, to the Senate.

(4) He shall forward at once all letters, messages, communications and other matters to the proper parties, either directly or through a Committee, as the case may be.

(5) He shall immediately deliver to the Chairman of the appropriate committees all petitions, resolutions, bills or other matter duly referred to such committee.

(6) He shall draw such drafts on the Treasury for expenses of the session as shall be authorized by the Senate and approved by the Committee on Accounts.

(7) He shall pay all such bills and accounts as shall be approved by the Committee on Accounts, or ordered by the Senate, and no others.

(8) He shall note all questions of order with the decision thereon, and collect the same together and append them to the Senate Journal at the close of the session.

(9) He shall do and perform all other clerical duties and offices pertaining to the position of clerk, as the Senate shall from time to time direct, and such as shall by law or these Rules, or rules hereafter adopted, be assigned to him, or such as properly pertain to such position. He shall post the order of business in writing in a conspicuous place each day.

12

The Assistant Clerk.

The Assistant Clerk shall assist the Clerk in performance of his duties and attend to such other duties as may be required when so directed by the President.

13

Chaplain.

It shall be the duty of the Chaplain to attend each day at the hour of meeting of the Senate, and to open the session of the day by such religious exercises as the President—subject to revision by the Senate—shall direct.

14

The Sergeant-at-Arms.

It shall be the duty of the Sergeant-at-Arms to attend the Senate on every day of meeting; to maintain order amongst those present as spectators; to give notice to the Presiding Officer of the attendance of any person with communications or otherwise; to supervise, subject to the approval of the Committee of Accounts, the supply of books, stationery, and other incidentals which require distribution among the members; to attend upon committees if so requested; to serve all orders of process directed by the President or Senate; to make all required arrests of members or other persons, and to retain the same in custody; to have the charge and responsibility for the postal requirements of the Senate, and generally to execute all of the requirements of the President for the Senate.

15

The Messenger.

It shall be the duty of the Messenger to attend the Senate at all sittings, and at all times to do and perform all requirements of the Senate, or the officers or members thereof.

16

The Janitor.

It shall be the duty of the Janitor to have charge of the Senate Chamber, and of all furniture and property of the same and of all property and effects of the members left there. He shall keep said room, furniture and effects in good order and clean.

17

RESPONSIBILITY OF OFFICERS.

All of the officers of the Senate shall be directly answerable to the President, and shall obey and perform all of his orders and directions, subject to revision by the Senate. If required by the President any officer shall give a bond for the faithful performance of his duty, and an oath of office shall be administered to each.

18

COMMITTEES.

There shall be four kinds of Committees:

(1) Standing Committees to consist of three members each, to be appointed by the President at the opening of each session, and to serve during the whole session, excepting, however, the Ways and Means Committee which shall consist of five members, two from the Third Senatorial District and one from each of the other Senatorial Districts.

(2) Select Committees, to consist of three members each, unless otherwise ordered by the Senate, to be appointed from time to time as occasion requires, and to serve until discharged upon finally reporting the specific matters referred.

(3) Committee of the Whole Senate.

(4) Conference Committees, to consist of three members each, to be appointed by the President from time to time as

occasion requires, and to serve until discharged upon finally reporting the matter referred.

19

The first person named on the Committee shall be Chairman, unless the Committee elect another. The Chairman shall call meetings and preside and a Clerk may be appointed.

20

MEETINGS OF COMMITTEES.

Meetings of Committees shall be public unless otherwise ordered.

No Committee shall sit during the time when the Senate is actually in session without a special order, excepting Conference Committees, which may sit at any time.

21

Committees shall be under the control and subject to the orders of the Senate, and shall faithfully carry out such orders. Any member may excuse himself from serving on any Committee at the time of his appointment, if he is a member of four other Committees.

22

STANDING COMMITTEES.

The Standing Committees shall be appointed at the opening of the session, or as soon thereafter as possible; they shall be as follows:

- (1) Committee on Ways and Means.
- (2) Committee on Judiciary.
- (3) Committee on Military and Public Expenditures.
- (4) Committee on Public Lands, Internal Improvements, Agriculture, etc.
- (5) Committee on Public Health.
- (6) Committee on Education.
- (7) Committee on Enrollment, Revision and Printing.
- (8) Committee on Accounts.
- (9) Committee on Rules.

23

WAYS AND MEANS COMMITTEE.

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the Treasurer and other officers of the Territory and all propositions relating to revenues or otherwise, to inquire into the state of revenues and all such propositions relative to revenue as may be referred to them by the Senate and to report from time to time their opinion thereon.

24

JUDICIARY COMMITTEE.

It shall be the duty of the Committee on Judiciary to take into consideration all such bills, petitions and matters touching judicial proceedings or otherwise as shall be presented, or come in question and be referred to them by the Senate, and to report their opinions thereon, together with such propositions relative thereto as may seem to them expedient.

25

MILITARY AND PUBLIC EXPENDITURES COMMITTEE.

It shall be the duty of the Committee on Military and Public Expenditures to take into consideration all such laws and all such propositions and reports relative to Military matters and to examine the Expenditures of the different Departments of the Territory, and to report from time to time their opinion thereon; to examine into the state of the several Public Departments and particularly into laws making appropriation of money; and to report whether the monies have been disbursed conformably with those laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the Departments and the accountability of their officers.

26

PUBLIC LANDS, INTERNAL IMPROVEMENTS, AGRICULTURE, ETC., COMMITTEE.

It shall be the duty of the Committee on Public Lands, Internal Improvements, Agriculture, Etc., to take into consid-

eration all such laws, petitions and matters respecting public lands, the care, custody and maintenance of public works as shall be presented or shall come in question and be referred to them by the Senate and to report thereon with such propositions relative as may seem to them expedient, to take into consideration all such laws, petitions and matters or things respecting roads and internal improvements as shall be referred to them by the Senate and to report thereon with such provisions relative thereto as may seem to them expedient, to take into consideration all such laws, petitions and matters relating to agriculture, forestry and manufactures as shall be presented or shall come in question and be referred to them by the Senate and to report their opinion thereon, together with such propositions relative thereto as may seem to them expedient.

27

PUBLIC HEALTH COMMITTEE.

It shall be the duty of the Committee on Public Health to take into consideration all such laws and all such propositions and any report of the Board of Health relative to the health of the people as may be referred to them by the Senate and to report thereon together with such propositions for the promotion of public health and safety as may seem to them expedient.

28

EDUCATION COMMITTEE.

It shall be the duty of the Committee on Education to take into consideration all such reports of the Board of Education and all such propositions or laws relative to education or schools as may be referred to them by the Senate and to report from time to time their opinion thereon, together with such propositions for the promotion of education and improvement of schools as may seem to them expedient.

29

ENROLLMENT, REVISION AND PRINTING COMMITTEE.

It shall be the duty of the Committee on Enrollment, Revision and Printing to have all bills printed that are so ordered,

and also to procure by tender or contract, if possible, all printing required by the Senate; to see that such printing is properly done; that the Senate is supplied with all the necessary printed matter under supervision of the Committee on Accounts, and to employ proof-readers; to see that all bills after engrossing or typewriting and before final passage of the same and of such other matters requiring the signature of the President, are correct and true, and that they are the same as finally acted upon by the Senate, and after final action shall see that the copy to be presented to the Secretary corresponds with that finally passed by the Senate; and to do and perform all matters and things relative thereto as the Senate may from time to time direct.

30

ACCOUNTS COMMITTEE.

It shall be the duty of the Committee on Accounts to superintend and control the contingent expenses of the Senate, and to audit and settle all accounts which may be charged thereon and also to audit the accounts of the members, and for their traveling fees. No bills shall be incurred without the order of said Committee, and it shall not be lawful for any bill to be paid until the same shall have been duly audited by the said Committee. They shall from time to time direct the clerk to draw drafts on the Treasury for the payment of expenses of the Senate.

31

RULES COMMITTEE.

It shall be the duty of the Committee on Rules to consider all matters relating to the Rules of Procedure of the Senate, and such other matters as may be from time to time referred to them.

32

COMMITTEE OF THE WHOLE.

(1) The Senate may from time to time resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such Committee, upon the adoption of a motion to that effect, the President shall call some member to take the chair (unless the Senate shall nominate a chairman), which be ing done, the Senate shall then be in Committee.

(2) The Clerk of the Senate shall act as Clerk of the Committee of the Whole without extra compensation, and shall make a careful record of the proceedings of the committee in a rough memorandum book, which book shall be kept as one of the records of the Senate.

(3) The Committee may, on motion, rise and ask leave to sit at any future time.

33

RULES IN COMMITTEE OF THE WHOLE.

In Committee of the Whole, the rules of procedure in the Senate shall be observed excepting that any member may speak more than once on the same subject, but no person shall speak a second time or further time until others desiring to speak shall have had an opportunity, nor shall the motion for the previous questions be allowed. A time limit for debate may be fixed by vote.

34

COMMITTEE REPORTS.

(1) The Standing Committees shall report from time to time upon all matters referred to them.

(2) Select Committees shall report within five days upon matters referred to them, unless further time is given by vote of the Senate.

35

(1) Whenever any matter shall be referred to a Committee, it shall be the duty of that committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, witnesses shall be summoned and examined; documents and records shall be searched, and everything shall be done to bring all facts pertaining to said matter before the Senate.

(2) The report shall state findings of fact and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter.

(3) A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill, for one or more referred to the Committee shall be reported, such substitute bill shall agree with the subject of the bill or bills returned to the Senate.

36

Whenever a Committee shall be ordered to perform a particular service, or one shall be appointed therefor, the service shall be performed exactly according to the requirements.

37

Whenever a Committee fails to agree, the majority shall report and it shall be the report of the Committee. The minority may report or simply write upon the report of the majority the words "I" or "We do not concur," signing the same.

38

VOTING.

There shall be four methods of ascertaining the decision of the Senate upon any matter.

(1) First, by raising of hands; Second, by ballot; Third, by rising, and Fourth, by call of the roll of the members and a record by the Clerk of the vote of each.

(2) The first shall be the usual and ordinary method. Whenever the Senate shall be ready to vote on any question, the President shall rise; and, after stating the question, shall request all those in favor of the affirmative of the question to raise the hand. After the Clerk shall have counted the number voting in the affirmative, which he shall report to the President, the President shall then call upon all voting in the negative of the question to raise their hands. The Clerk shall count them as before, and state the number to the President, who shall then announce the result to the Senate. If there be a tie vote, the President shall decide. If not—and in all cases—he shall declare the result of the vote.

(3) If any member shall doubt the result, as announced, the President shall again state the question and call upon the members to vote by rising in their places, and they shall remain standing until counted, and the result shall be again announced.

(4) The method of voting by ballot shall be as customary. The President shall appoint one or more tellers, or direct the Messenger to collect the ballots, which shall be counted by the Clerk, and the result announced as before. All officers of the Senate shall be elected by ballot. The Senate may, on motion, vote upon any other question by ballot.

(5) Whenever one-fifth of the members present shall request, the Clerk shall call the roll of the members of the

Senate. Each member, when called shall vote in a clear, loud voice, "Aye," if voting in the affirmative, or "No," if voting in the negative. The Clerk shall record each vote, and such record shall become a part of the Journal of the Senate. The President shall announce the result as above set forth.

39

(1) No member shall, on any account, refrain from voting unless excused by the Senate.

(2) No one shall be permitted to vote upon any question where he shall have any pecuniary interest in the result, or which will affect his right or title to a seat in the Senate, or wherein his official conduct shall be involved.

(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain his vote.

(4) After the announcement by the President of the result no one shall be allowed to vote or to change his vote.

40

PETITIONS, MEMORIALS AND ADDRESSES.

(1) All persons may petition the Senate. Petitions and other memorials shall be in writing, signed by the petitioners.

(2) All petitions, memorials and other papers addressed to the Senate shall be presented by the President, or by a member in his place, and shall be endorsed with the name of the person presenting and the subject matter of the same.

(3) A brief statement of the contents of such petitions, memorials or other papers shall be made verbally by the introducer, before the same shall be received and read at the table.

(4) Every such petition, memorial or other paper shall be referred, as of course, by the President, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial or other paper is presented.

(5) No such petition, memorial or other paper shall be debated on the day it is presented, unless by the consent of the Senate.

41

OF RESOLUTIONS AND MOTIONS.

All resolutions shall be written in ink or typewritten upon letter cap paper, dated and signed by the introducer, other-

wise they shall not be considered. Motions and Amendments, except as below provided, may be verbal but shall be reduced to writing if requested by the President, and shall be read from the desk if so desired.

42

No motion shall be received and considered by the Senate until the same shall be seconded.

43

After a motion is stated or read by the President, it shall be deemed in the possession of the Senate, and shall be disposed of by vote of the Senate. However, it may be withdrawn by the mover at any time before a decision or amendment.

44

Whenever any question whatsoever shall be under discussion, the only motions relative thereto shall be:

- (1) To lay on the table.
- (2) To postpone to a certain time.
- (3) To postpone indefinitely.
- (4) To commit, and
- (5) To amend.

Which motions shall have precedence in the order above named.

(1) The first two motions shall be decided without debate and shall be put as soon as made.

(2) When any of said motions shall be decided in the negative neither shall be revived the same day relative to the main question under discussion. If all are negative as aforesaid the only remaining question shall be as to the adoption of the bill, resolution or other main question.

45

When a question is postponed indefinitely, the same shall not be acted upon again during the session in which it was introduced.

46

When a bill, resolution or other matter has been laid upon the table, it shall not thereafter be taken therefrom and be considered or restored to a place upon the calendar of the Senate, without the consent of a majority.

47

No member shall speak more than twice, unless he be the mover of the matter pending; in which he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

48

The object of the motion for the Previous Question is to cut off debate. It shall always be in order. It shall require a two-thirds vote to carry it.

Whenever the motion shall be carried, the author of the resolution or introducer of the bill being the main subject under discussion, shall be permitted to close the debate, after which the main question, subject to order named in Rule 46 shall be put; provided, that said author may delegate to another such right to close.

49

RECONSIDERATION.

(1) When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but, any member who voted with the majority may move to reconsider it on the same or the succeeding day of session; and such motion shall take precedence of all other questions, except a motion to adjourn.

(2) When a motion for reconsideration has been decided, that vote shall not be reconsidered.

(3) When a bill, resolution or other matter upon which a vote has been taken shall have gone out of the possession of the Senate, and be communicated to the House of Representatives, a motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon at once without debate and, if determined in the negative, it shall be a final disposition of the motion to reconsider.

(4) If a like motion shall be passed in the House and such request be made of the Senate, the bill or other matter desired shall be immediately returned to the House.

50

A motion to adjourn other than a motion to adjourn generally may be debated, but no one shall speak more than once on such motion.

A motion to adjourn is always in order, and shall be decided without debate; one motion to adjourn shall not follow another without intervening business.

A motion to adjourn without naming any time shall always be held as an adjournment to the regular hour of meeting of the next business day.

51

OF BILLS.

Any bill may be introduced on the report of a Committee, or by any member after giving a notice of intention to introduce a bill.

52

One day's notice at least, shall be given of an intention to bring a bill by its title; and the motion shall be made and the bill introduced, when resolutions are called for. A bill introduced by a Committee upon a report shall not require a prior notice.

53

Every bill shall receive three several readings previous to its being passed; and the President shall give notice at each whether it be first, second or third reading—which readings shall be on different days.

54

(1) The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such debate, except the introducer of the bill, who may close the discussion.

(2) If the question to reject be negative, the bill shall go to its second reading without question, subject to the provisions of Rule 30; provided, however, that a motion to order a bill printed shall be in order upon its first reading.

55

(1) A bill upon its second reading shall be read throughout, unless it be printed and in the hands of members, when, on motion, it may be read by its title only. It shall then be subject to either of two motions, viz: to commit or be typewritten. If it is not referred to a Select or Standing Committee, but is ordered to be considered in Committee of the Whole a day for such consideration shall be fixed. When the bill shall be reported from Committee, if not then ordered to be typewritten, it shall take its place in the order of business for future consideration.

(2) If a bill is not committed, the same may be, on motion, ordered to be typewritten; upon this motion the bill may be discussed upon its merits, and amendments may be made.

56

A bill upon its third reading shall be read throughout, and the President shall then ask the Senate: "Shall this bill pass its third reading?" But such bill may be re-committed or amended on its third reading. Upon the final passage of any bill, the Ayes and Noes shall be called and such passage shall require the affirmative vote of a majority of all the members of the Senate, and the Ayes and Noes shall be entered on the Journal.

57

All bills shall be deemed the property of the Senate, and under its control until they shall become law, subject to the right of the House of Representatives to amend or refuse to agree with the same.

58

All amendments proposed to any bill shall be in writing, unless otherwise ordered by the Senate, and shall be sent to the Clerk's desk to be filed with the bill.

59

When a bill is passed it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

60

When a bill shall be referred to Committee of the Whole, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be the last considered. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee and so reported. When a bill is ordered into Committee of the Whole, such order may dispense with the reading of the whole bill before considering it section by section.

61

Whenever a bill which has finally passed the House of Representatives shall be certified to the Senate for its action, such bill shall be read three times before final passage, in accordance with the provisions of the rules for the passage of bills introduced in the Senate.

62

When a bill originating in the Senate shall have passed its third reading, or when a bill which has been sent in from the House shall have been amended, such bill, or such amended bill, shall immediately be certified by the President and Clerk and sent to the House of Representatives for its consideration.

63

GENERAL FILES.

(1) Bills which pass the first reading shall be arranged in the order of their introduction and a list shall be made in accordance therewith to be called the Second Reading File, and, when the time arrives for consideration, they may be considered in the order on the file.

(2) Bills which pass the second reading shall be arranged in the order of their passage, irrespective of the date of reference to Committee, or of the Committee report, and shall be in order for consideration on third reading as arranged. A list shall be made in such order, to be called the Third Reading File, provided that whenever the third reading of any bill is set for any particular date, such bill shall be omitted from the general file.

(3) Resolutions or other matters on which consideration is not had and completed at the time of introduction into the Senate, if not ordered for consideration at a stated date, shall be placed upon the general file in the order of consideration with bills.

64

SPECIAL FILES.

All bills and other matters set for consideration upon particular dates, shall be arranged in the order of the several votes making such assignments. A list shall be made of such special orders, and, when the time for consideration arrives, such bills and other matters shall be considered in the order of assignment. If an adjournment shall be had before all of such special orders are disposed of, the remainder shall go over and come under the head of unfinished business on the following day, unless otherwise ordered.

65

DECORUM AND DEBATE.

No person shall sit at the desk of the President or Clerk except by permission of the President.

66

When any member is about to speak, he shall rise from his seat and address himself to "Mr. President" and shall confine himself to the question under debate and avoid personalities.

67

If any member in speaking or otherwise, transgresses the Rules of the Senate, the President, or any member, may call him to order, when the member so called to order shall immediately sit down. The President shall then decide the question of order without debate, subject to an appeal to the Senate.

The President may call for the sense of the Senate on any question of order.

68

Whenever any person shall be called to order while speaking he shall be deemed to be in possession of the floor when the

question of order is decided and may proceed with the matter under discussion.

69

While the President is putting any question or addressing the Senate, no one shall walk out of the room, or across the floor; nor in any such case, or when a member is speaking, shall entertain a private discourse, nor while a member is speaking, shall pass between him and the chair.

70

If any member shall conduct himself in a disorderly manner during any session of the Senate, the President shall order such member to keep his seat and preserve the peace; and, if he shall then persist in his disorderly conduct, the President shall (by a two-thirds vote) order the Sergeant-at-Arms to remove him from the Senate, and he shall not be permitted to take his seat during the remainder of that day's session, except upon satisfactory pledge given by him to the Senate of future good behavior.

71

If any Senator be called to order for words spoken in debate, upon his demand or on that of any other Senator, the words objected to shall be taken down in writing and noted by the Clerk, and, if required, shall be read for the information of the Senate.

72

No member or other officer shall smoke within the Senate Chamber during any of the sessions of the Senate.

73

ORDER OF BUSINESS.

After prayer and the reading of the journal, the President shall call for business in the following order:

- (1) Messages from the Governor.
- (2) Reports and Communications from the Territorial officers.

(3) Bills, Joint Resolutions and other matters from the House of Representatives shall be reported to the Senate to be placed on the Calendar.

(4) Petitions, Memorials and Communications.

(5) Reports of Standing Committees.

(6) Reports of Select Committees.

(7) Resolutions.

(8) Unfinished business, upon which the Senate was engaged at the time of its last adjournment.

(9) The Order of the Day.

(10) Any miscellaneous business on the President's table.

74

The Senate may, by previous motion, direct that any matter named shall be made a special order of business and that such special order shall take precedence of all business after the fourth order, or that it shall take any other position lower down on the calendar.

75

After the first thirty days of the session petitions shall be presented only upon the first day's session in each week.

76

Reports from Conference or Joint Committees, and from the Committee on Enrollment and Revision shall be in order at all times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time; provided, however, that without unanimous consent such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

77

After one hour shall have been devoted to the first seven orders of business (set forth in Rule 75) it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the order of the day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

78

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Order of the Day; and no motion, for any other business shall be received without special leave of the Senate until the former is disposed of.

79

All questions relating to the priority of business to be acted upon shall be decided without debate.

80

QUESTIONS OF ORDER.

(1) A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the Senate such questions shall be decided without debate by the presiding officer, subject to an appeal to the Senate. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

(2) Any question of order may be submitted to the Senate for its decision.

(3) He shall see that matters in the hands of the Clerk requiring translation are properly rendered.

(4) He shall be responsible under the Committee of Enrollment for the correct translation of all engrossed bills and resolutions, and for such purpose may order the re-engrossment of any part or the whole of any engrossed matter.

81

PRESIDENT PRO TEM.

The President shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

82

(1) In case the President and Vice-President shall be absent at the hour to which the Senate has adjourned, the eldest member present shall preside until a President pro tempore be chosen.

(2) Such President pro tempore shall be invested with and perform all the powers and duties of President. Whenever and so often in the absence of the President and Vice-President, it shall devolve upon the President pro tempore to sign any bill or other instrument requiring the signature of the President, the Secretary shall attach to such bill or instrument a certificate setting forth that such President pro tempore was duly elected.

83

ATTENDANCE.

No member shall absent himself from the sessions of the Senate unless he has leave, or be sick and unable to attend.

84

SECRET SESSION.

(1) When any member shall desire to make known any matter to the Senate which he deems should be confidential and private and shall communicate the same to the President, he shall decide whether the Senate Chamber should be cleared. If he so decide, the Sergeant-at-Arms shall clear the Chamber of all persons but the Senate and its officers.

(2) The Senate may decide whether the matter communicated shall be kept secret.

85

The members and officers shall keep the secrets of the Senate.

86

EXECUTIVE SESSION.

If the Senate considers it necessary to act upon any communication from the Governor confidentially or upon any nominations or other matters it may go into Executive Session.

87

Whenever for any reason the Governor shall convene the Senate at any other place than the Capitol, it shall attend together with all of its officers at the time and place ordered.

88

CLEARING THE SENATE.

When acting upon confidential business, unless the same shall be considered in open Executive Session, the Senate Chamber shall be cleared of all persons except the members of the Senate and the officers, and such other persons as the presiding officer with the consent of the Senate shall deem necessary, and all such persons as well as the officers shall be sworn to secrecy. ,

89

BUSINESS CONFIDENTIAL.

All confidential communications made to the Senate, and remarks, votes and proceedings thereon shall be kept strictly secret by the members and officers of the Senate, as well as by such other persons as have been detained or permitted to attend upon the consideration of such matter, until the Senate, by resolution, take off such seal of secrecy, or unless such matter be considered in open session.

90

VIOLATING CONFIDENCE.

If any matter covered in Rule 89 shall be disclosed by any Senator, he shall be liable to a fine or expulsion from the Senate; if by an officer or other person authorized to hear such matter, such officer (who shall be dismissed) or other person shall be liable to punishment for contempt.

91

NOMINATIONS.

(Executive Session.)

(1) When nominations for office shall be made by the Governor to the Senate, they may be referred to an appropriate committee, or may be acted upon after the lapse of at least one day after such nominations shall have been made.

(2) The fact of a nomination, or its rejection or confirmation, need not as of course be kept secret, but all remarks and proceedings thereon shall be deemed secret.

AMENDMENTS.

No rule of the Senate shall be altered or rescinded, nor any new standing Rule be adopted without one day's notice being given of the motion thereof.

Stenographers or other reporters wishing to take down the debates may be admitted by the President, who shall assign such places to them to effect their object as shall not interfere with the convenience of the Senate.

Any member of the Senate may ask any question of any Territorial Officer relating to his respective department by reducing such questions to writing, over his signature, and reading the same before the Senate, and furnishing the Officer with a copy of such written question. Any officer so questioned shall reply to such question upon the following day, unless the Senate shall grant him a definite extension of time for replying.

The Rules of Parliamentary practice as laid down by Cushing, and as interpreted and practiced in the Senate of the United States, where not inconsistent with these Rules, shall govern the Senate.

Such typewriters as may from time to time be required shall be appointed by the President. Such compensation shall be paid to the typewriters as the Committee on Accounts and President of the Senate shall from time to time determine.



THE FIFTH LEGISLATURE
OF THE
TERRITORY OF HAWAII.

IN REGULAR SESSION.

JOURNAL OF THE SENATE.

FIRST DAY.

Wednesday, February 17, 1909.

At 10 o'clock in the forenoon Senator David K. Baker, of Hawaii, took the Chair and called the Senate of the Territory of Hawaii to order.

After prayer by the Rev. John Kalino, the Chair called upon William Savidge to act as Temporary Clerk of the Senate.

Senator Coelho moved that a Special Committee of three be appointed on Credentials. Seconded by Senator McCarthy and carried.

The Chair appointed Senators Coelho, Harvey and Quinn.

At 10:03 o'clock, Senator Kalama moved to take a recess subject to the call of the Chair. Seconded by Senator Mamekai and carried.

At 10:08 o'clock the Senate reconvened, Senator Coelho presenting the Report (No. 1) of the Committee on Credentials as follows:

SENATE JOURNAL.

SENATE CHAMBER.

Honolulu, T. H., February 17th, 1909.

Hon. D. K. Baker,
Temporary President,
Senate of the Legislature of 1909.

Sir:—Your Committee on Credentials beg leave to report that it has examined the Certificates of Election of the members of this Senate as follows:

A—The holdovers whose terms respectively will expire in 1910 are—

From the 1st. District: R. H. Makekau, Palmer P. Woods;

From the 2nd. District: W. J. Coelho;

From the 3rd. District: C. F. Chillingworth, C. J. McCarthy,
W. O. Smith;

From the 4th. District: Eric A. Knudsen.

B—Newly elected whose terms will expire in 1912 are—

From the 1st. District: D. K. Baker, John T. Brown;

From the 2nd. District: S. E. Kalama, W. T. Robinson;

From the 3rd. District: Frank R. Harvey, H. T. Moore,
E. W. Quinn;

From the 4th. District: Geo. H. Fairchild.

Your Committee therefore recommends that the Senate proceed to its permanent organization with the following membership who are hereby recommended to take the oath of office, namely:

For the 1st. District: D. K. Baker, John T. Brown, R. H. Makekau, and Palmer P. Woods;

For the 2nd District: W. J. Coelho, S. E. Kalama, W. T. Robinson;

For the 3rd. District: C. F. Chillingworth, Frank R. Harvey,
H. T. Moore, C. J. McCarthy, W. O. Smith, E. W. Quinn;

For the 4th. District: Eric A. Knudsen, Geo. H. Fairchild.

Very respectfully submitted,

W. J. COELHO,
Chairman, Committee of Credentials;

E. W. QUINN,
Member;

F. R. HARVEY,
Member.

Senator Coelho moved that the Report of the Committee be adopted. Seconded by Senator Brown and carried.

Senator McCarthy moved that the Committee on Credentials wait upon the Chief Justice of the Territory of Hawaii,

in order to have him swear in the members of the Senate. Seconded by Senator Harvey and carried.

At 10:10 o'clock Senator Kalama moved to take a recess subject to the call of the Chair. Seconded by Senator Woods and carried.

At 10:18 o'clock the Senate reconvened, Senator Coelho for the Committee on Credentials reporting the Chief Justice in attendance.

The members of the Senate were then sworn in by the Chief Justice.

Senator Coelho offered the following Resolution (No. 1) relating to the temporary Rules of the Senate:

RESOLUTION.

Resolved, that the Rules of the Senate of the Legislature of 1907 be the temporary Rules of the Senate.

W. J. COELHO,
Senator, 2nd. District.

Senate Chamber,
February 17th, 1909.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Brown and carried.

The Senate proceeded with the selection of the permanent officers of the Senate, the Chair appointing Senators McCarthy and Knudsen to act as tellers.

Senator Kalama nominated Senator W. O. Smith as President of the Senate. Seconded by Senator Fairchild.

Senator Moore nominated Senator P. P. Woods as President of the Senate. Seconded by Senator McCarthy.

Senator McCarthy moved that the nominations close. Seconded by Senator Fairchild and carried.

Senator Smith was elected President of the Senate upon the following vote:

Senator Smith	10
Senator Woods.	4
Blank.	1
	<hr/>
	15

Senator Woods moved that the election of Senator Smith as President of the Senate be made unanimous. Seconded by Senator Kalama and carried.

The President was escorted to the Chair by Senators Knudsen and McCarthy.

WILLIAM SAVIDGE,
Temporary Clerk of the Senate.

Approved by the Senate:

DAVID K. BAKER,
Temporary Chairman of the Senate.

The President took the Chair and expressed appreciation for the honor conferred upon him, promising to conduct the work of the Senate to the best of his ability, and asking the assistance of all of the Members of the Senate in the performance of his duty.

Senator Chillingworth nominated Senator S. E. Kalama as Vice-President of the Senate. Seconded by Senator McCarthy.

Senator McCarthy moved that the nominations close, and that the Clerk cast a ballot for Senator Kalama as Vice-President of the Senate. Seconded by Senator Harvey and carried.

The Clerk thereupon cast a ballot for Senator S. E. Kalama as Vice-President of the Senate.

Senator Kalama thanked the members of the Senate for the honor conferred upon him.

Senator Coelho nominated William Savidge as Clerk of the Senate. Seconded by Senator Moore.

Senator Kalama moved that the nominations close, and that the President of the Senate cast a ballot for William Savidge as Clerk of the Senate. Seconded by Senator Woods and carried.

The President thereupon cast a ballot for William Savidge as Clerk of the Senate.

Nominations for Chaplain were then declared in order.

Senator McCarthy nominated Rev. Moses Kuakahi. Seconded by Senator Woods.

Senator Coelho nominated Rev. John Kalino. Seconded by Senator Chillingworth.

Rev John Kalino was duly elected Chaplain of the Senate upon the following ballot:

Rev. John Kalino.....	8
Rev. Moses Kuakahi.....	7

Senator Coelho nominated P. N. Kahokuoluna as Sergeant-at-Arms of the Senate.

Senator McCarthy moved that the nominations close and that the Clerk cast a ballot for P. N. Kahokuoluna as Sergeant-at-Arms. Seconded by Senator Coelho and carried.

The Clerk thereupon cast a ballot for P. N. Kahokuoluna as Sergeant-at-Arms of the Senate.

Senator Coelho nominated P. Victor as Messenger of the Senate.

Senator Knudsen moved that the nominations close and that the Clerk cast a ballot for P. Victor as Messenger of the Senate. Seconded by Senator Coelho and carried.

The Clerk thereupon cast a ballot for P. Victor as Messenger of the Senate.

Senator McCarthy nominated A. H. Keohokalole as Janitor of the Senate.

Senator McCarthy moved that the nominations close and that the Clerk cast a ballot for A. H. Keohokalole as Janitor of the Senate. Seconded by Senator Coelho and carried.

The Clerk thereupon cast a ballot for A. H. Keohokalole as Janitor of the Senate.

The Clerk of the Senate, Sergeant-at-Arms, Messenger and Chaplain were then sworn in by the President of the Senate.

Senator Coelho offered the following Resolution (No. 2) directing the Clerk to notify the House of Representatives that the Senate was organized and ready to transact business::

RESOLUTION.

Resolved, that the Clerk of the Senate be and he is hereby directed to notify the House of Representatives that the Senate is duly organized and prepared to transact business.

W. J. COELHO,
Senator, 2nd. District.

Senate Chamber,
February 17th, 1909.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator McCarthy and carried.

Senator Knudsen moved that the Chair appoint a committee of three to notify the Governor that Senate was organized and prepared to transact business. Seconded by Senator Fairchild and carried.

The Chair appointed Senators Knudsen, Brown and Harvey.

At 10:47 o'clock the Committee returned, Senator Knudsen reporting that the Governor expressed pleasure at the speedy

organization of the Senate, and that he would transmit his Message to the Senate shortly.

At 10:48 o'clock a recess was taken subject to the call of the Chair.

At 10:50 o'clock the Senate reconvened, a Committee from the House consisting of Honorables Rice, Shingle and Like appearing to notify the Senate that the House of Representatives was organized and prepared to transact business.

At 10:51 o'clock a recess was taken subject to the call of the Chair.

At 10:58 o'clock the Senate reconvened, the Message from the Governor (No. 1) being received and read by the Clerk as follows:

GOVERNOR'S MESSAGE.

TERRITORY OF HAWAII,
Executive Chamber,

Honolulu, February 17, 1909.

To the Legislature:

The last two years have been marked by unusual prosperity and progress. Crops and prices of the main industry have been good. Minor industries have multiplied and grown. Congress has legislated liberally for Hawaii. Prospects are favorable.

VISITS OF CONGRESSMEN.

The provision made for the purpose by the last legislature resulted in highly satisfactory visits from many Members of Congress. The Territory has been favored also with visits by two members of the President's Cabinet and the Director of the Reclamation Service. No more effectual way can be devised for obtaining due consideration in Washington than by having Members of Congress and prominent executive officers come and see for themselves. An appropriation is recommended of larger amount than that of two years ago, to cover entertainment and expenses of executive officers and other distinguished persons as well as congressmen.

ALASKA-YUKON-PACIFIC EXPOSITION.

This will open at Seattle on the first of next June. The National Government is providing the building and \$25,000 for Hawaii's exhibit, in contemplation that further provision will be made by the Territory or its people. Other contributions are expected from private sources, but additional funds are required and should be provided by the Territory. Hawaii has provided

for exhibits at various general expositions in which she had comparatively little interest. The exposition in question is largely for her and she has a very special interest in it. The Northwest naturally should be one of her best markets, and this is a rare opportunity for her to advance her place materially in it. Moreover, she should meet part way the generosity of the National Government.

ELECTIONS.

Primaries. Some years ago a great wave of reform in the election of public officers swept over English-speaking peoples, with the result that the Australian ballot system has been adopted nearly everywhere, the object being to secure as far as possible a true expression of the choice of the people. Experience has shown, however, that the reform did not extend far enough; the choice of the people was confined to nominees, who were often, if not generally, selected in large measure by persons practically self-appointed or guided mainly by selfish interests; it became evident that in order to accomplish the desired object the nominees as well as the officers must be chosen freely by the people themselves, and now a similar great wave of reform in the selection of nominees is sweeping over English-speaking peoples, with the result that the so-called direct primary is being adopted in one State after another in quick succession, the object being to secure within the party the same safeguards and freedom of expression which the Australian ballot system was intended to secure within the entire body of voters. Its purpose is not to do away with party spirit or party organization, but to give greater effect to the loyal party spirit of the many and less to the selfish motives of the few. It is, rather, an incentive to party activity of the right kind, for it tends to remove objections, which many would otherwise have, to participating in politics. It cannot be expected under any conditions to furnish a complete remedy, for it cannot alter human nature, and the extent of its benefits under particular conditions can be ascertained only by trial. Its need is not so great here as in many other places and it is expensive, but it is a step in the right direction and a trial may well be made.

Permanent register. Under existing laws, a complete new register of voters must be made before each general election. This involves unnecessary expense to the Government and inconvenience to voters. I recommend that provision be made for a permanent register, in which only necessary changes need be made before each general election, and for the correction of which only those voters who have changed their voting pre-

cincts need apply. The saving in expense would offset in some measure the additional expense involved in the execution of the direct primary law, if one should be enacted.

If the foregoing recommendations are carried out, a number of incidental changes will be required in order to harmonize the laws upon this subject.

Tenure and pay, boards of registration and inspectors. The members of the boards of registration and inspectors number upwards of 250; they are usually selected during a short period and the desired care cannot always be exercised; moreover, the appointments are made with a view to giving representation to different political parties, and changes are often made here in party affiliations; inspectors usually serve only a day or so once in two years. I recommend that the tenure of inspectors be changed so that new boards may be appointed at least once in two years, and that the terms of office of the boards of registration be changed at least so that the terms of different members may expire in successive years, thus making more frequent changes in appointees possible and at the same time maintaining the boards of registration as continuing bodies.

The pay of the inspectors may well be reduced; the service is short and is one which might well be performed in part as a public duty. Financial conditions are such that retrenchment should be made wherever practicable.

Districts. The territorial and county districts should be made to correspond. At present there are overlaps. At the same time it may be well to consider whether the boundaries of certain districts ought not to be altered in consequence of changed conditions. For instance, Waianae-uka and Wahiawa on Oahu are becoming well settled and are naturally in closer relation with the district of Ewa than with the other populated portions of the districts of Waianae and Waialua, especially now that they are connected with Ewa by rail. The people should not be put to the inconvenience of going to Waianae or to Waialua in order to vote.

FINANCES.

A question of real difficulty. It is commonly supposed that a legislature in making appropriations is guided as a rule by personal and local considerations and that the outcome is usually the resultant of conflicting attempts to secure as much as possible for what comes nearest home. To concede that this is true in some degree is no reflection on a legislature. Even a casual observer, however, must admit that our legislatures have, at least for some time past, compared favorably with others in the standards of general good that have been maintained.

The fact is that needs are always great and means always inadequate in this expanding country. The problem is one of real difficulty.

To cut down or strike out an appropriation for the salary of this or that apparently valuable officer or for what appears to be a pressing need of this or that object or locality requires patriotic courage and firmness, and to comprehend the various needs in their true relative importance requires ability of high order and painstaking investigation. Each need, viewed by itself, seems pressing, but if all that is even reasonably required for each is appropriated and expended, the result necessarily is deficiency; and if a legislature appropriates more than the assured income it necessarily does so in contemplation that the executive must exercise discrimination in the expenditure, to its own embarrassment and the dissatisfaction of others.

It is of little service to point out broadly that the cost of government here exceeds that of many other places in proportion to population. The fact is that government in Hawaii is unusually expensive because of many special conditions. That is no reason, however, why it should not be conducted as economically as possible.

The aim. The aim should be to ascertain the unvarnished facts as to revenues and needs and then unflinchingly follow where they lead. I feel confident that your honorable body will proceed in a business-like way to meet the situation.

The aim should be, further, not merely to keep expenditures within revenues or within revenues plus cash on hand, but to accumulate and maintain a sufficient working surplus for carrying the government from one tax time to the next without being required to resort to registered warrants.

There is a widespread impression that the severe cuts in appropriations at the special session in 1904 resulted in expunging the then deficit of nearly \$700,000, and the accumulation of a surplus of more than \$300,000, and that the cuts were required only temporarily until that result could be attained and that then it would be safe to resume the former figures. Such was not the fact. Those cuts, amounting to something over \$300,000 a year, resulted in little more than bringing expenditures within revenues. The deficiency was made up by a change in the time of collecting taxes, which brought an additional half-year's or a total of one and a half years' taxes into one year.

The last legislature succeeded in bringing the appropriations within the estimated available funds for the current period, including cash on hand and estimated revenues, but without making full allowances for additional appropriations that might be and usually are required at the succeeding session for the same

period; apparently only the non-expenditure of appropriations to the amount of about \$200,000 will prevent a deficiency at the end of the period, if such additional appropriations are made. The need as well as the difficulty of making ends meet, by material reductions in expenditures or increase in revenues, is shown by the fact that, notwithstanding the care exercised by the last legislature, the appropriations made and required to be made for the current period will probably exceed the actual revenues for the same period by more than half a million dollars.

The aim should be, still further, to avoid all not strictly necessary expense so that as much as possible may be available for what might be called advance work as distinguished from the mere keeping of the machinery of government in operation. To appropriate in excess of actual needs for operating expenses is not only to waste the people's money but to deprive them of needed internal improvements and means for developing the Territory.

Revenues. The desired end can be attained by a reduction in expenditures or increase in revenues or both. It requires hardly less courage or firmness to propose or insist on an increase in revenues than it does to propose or insist on a decrease in expenditures. Taxes and other revenues are already high per capita, although it is true also that the people of this Territory are better able to pay high taxes than the people in many other places.

What may be classed as taxes proper of one kind and another amounted during the last fiscal year to \$10.85 per capita on the assumption of a population of 170,000. What may be classed as in the nature of taxes amounted to an additional \$1.61 per capita. Other revenues amounted to \$3.24 per capita, making a total of \$15.70. The customs and internal revenue receipts of the Federal Government in this Territory amounted to \$9.45, making a grand total of \$25.15 per capita, or an aggregate of more than four and a quarter million dollars.

We sometimes attempt to deceive ourselves with the thought that the property tax itself is only one per cent, when in reality it is higher than in most other places, for the reason that property is assessed at its full value. That, moreover, is only one of many sources of revenue, and produces only half of the total.

It may be suggested that the material growth of the Territory has been such that the revenues must have increased largely since the loss of customs receipts nearly nine years ago. This has not wholly been the case. Valuations became so inflated soon after annexation that many of them have since fallen and the aggregate that is taxable has increased but little. The general property taxes during the last fiscal year were only \$64,000 more than they were in the fiscal year 1904. The in-

come taxes were less by \$20,000 than they were in 1902, the first year of the tax. The increase in taxes of all kinds since 1902 has been only about \$187,000, which is but little less than the increase in revenues from all sources, and less than enough to meet the interest and sinking fund requirements for the public debt, most of which has been incurred during that period, and perhaps less than enough to meet the increase in cost due to the establishment of county government alone. Moreover, although minor industries have multiplied and grown, they for the most part have been, and will for some years continue to be, exempt from taxation, as is also the case with new railroads. In time there may be a decided increase in the aggregate revenues at present rates, but we have now to consider the present.

There are many ways in which revenues may be increased without undue severity and in which expenditures may be reduced—by cutting out or reducing appropriations, by reorganizations, by combinations of different services and by the enactment of laws which will sooner or later obviate the necessity in whole or in part of expenditures for certain objects. A number of these will be suggested under other heads in this message. Others will appear in the estimates.

Division of revenues between Territory and counties. There is a natural tendency to seek for the counties larger and larger shares of the revenues, and it will require fortitude to withstand this tendency except in so far as the facts warrant. Thus far, notwithstanding a steady decrease in revenues during the period of county government, the counties have received a larger amount each successive year, the increase being at the rate of more than \$40,000 a year, namely, \$1,007,310.41 in the fiscal year 1906, \$1,047,841.39 in 1907 and \$1,091,328.83 in 1908, and the natural increase for the current year will probably be at least as much. These amounts, it is submitted, are larger in proportion to needs than they should be. They certainly should not be increased without a transfer of needs from the Territory to the counties. These amounts are exclusive of other minor sources of revenue and of the equipment for road construction and repair and other purposes which have been turned over to the counties by the Territory, and the service of prisoners which goes in the main to the counties, although the Territory bears most of the expense of prison maintenance; moreover, the counties have the advantage of being able to expend their funds as they deem best while the territorial executive is bound by specific appropriations for different objects. A saving in expense could be effected if some of these appropriations should be combined into lump sums, giving the heads of departments wider discretion so that they might use the money to

best advantage, the aggregate being limited as effectually as at present. This is now the practice to some extent.

After the payments to the counties there is left for the Territory a little more than a million and a half dollars yearly, of which more than \$200,000 goes for interest on the public debt, sinking fund and legislative expenses. Of the remainder more than \$800,000 is expended for public schools and public health, leaving only little more than half a million dollars for all other requirements of the Territory. Out of this half million there must come, among other things, the salaries and expenditures for the Secretary's office, with its bureau of archives; the Attorney General's Department, with the prison and jails; the Treasury Department, with the bureaus of taxes, conveyances, corporations and licenses; the Public Works Department, covering all wharves and landings, water works, sewer works, public buildings, roads and bridges to some extent, and other matters; Public Lands Department; the Survey Department; the Bureau of Agriculture and Forestry; and the entire Judiciary Department. The territorial expenses are largely also of a kind that will naturally increase. As an instance, the steady and rapid increase of pupils in the public schools requires constantly increasing appropriations from the mere fact that additional teachers must be employed and additional buildings maintained. The issuance of additional bonds for public improvements will increase the interest payment, and the issuance of bonds for such improvements and for refunding purposes will necessitate a very large increase to comply with the requirements of the sinking fund law. The refunding of \$2,000,000 of redeemable bonds during the coming period for the purpose of saving \$20,000 or so a year in interest, would require under present laws an additional sum of more than \$100,000 a year for sinking fund.

From the standpoint of the Territory, economy may be effected by a transfer of some of its functions to the counties, but from the standpoint of the territory at large, it can be effected only by reducing expenditures or making them to better advantage whether under the territorial or the county governments.

ESTIMATES TO END OF CURRENT PERIOD.

Cash ballance, December 31, 1908.....	\$	304,131.82
Outstanding warrants.....	\$152,152.89	
Road, special and land improvement		
funds, December 31, 1908.....	17,806.44	169,959.33
<hr/>		
Net available cash balance, December 31, 1908.....	\$	134,172.49

Estimated available receipts, 6 months ending June 30, 1909, (same as last year).....	1,306,116.48	
Available for remainder of current period.....	\$1,440,288.97	
Balance, previous appropriations, December 31, 1908	\$958,130.69	
Less estimated unexpended, June 30, 1909.....	207,805.47	\$750,325.22
Additional required, unpaid bills, last period..\$	2,570.04	
Additional required, current period	132,468.64	135,038.68
Payable to counties.....	624,748.60	1,510,112.50
Deficit	\$	69,823.53
which may be offset by increase of revenue and extraordinary receipts.		

ESTIMATES OF RECEIPTS FOR ENSUING PERIOD.

Executive Department:

Realizations, Secretary's office....	\$	7,800.00
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Attorney General's Department:

Fines and costs.....\$	6,585.00	
Support of County Prisoners.....	5,505.00	
Support of U. S. Prisoners.....	14,046.00	
Realizations	290.00	26,426.00

Treasury Department:

Liquor Licenses	\$185,000.00	
All other licenses.....	235,000.00	
Revenue stamps	55,000.00	
Corporations	10,000.00	
Co-partnerships	400.00	
Miscellaneous realizations	2,400.00	
Inheritance taxes	30,000.00	
Insurance taxes, licenses and fees	38,000.00	
Bureau of Conveyances.....	27,000.00	
Bureau of Taxes.....	4,000,000.00	4,582,800.00

Public Lands Department:

Land Sales	\$ 90,000.00
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Land Revenues	340,400.00	
Realizations	5,950.00	436,350.00
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Agriculture and Forestry Department..		700.00
Public Works Department:		
Water Works, all islands.....	\$288,000.00	
Wharfage and pilotage.....	137,000.00	
Powder storage	1,200.00	
Kerosene storage	2,600.00	
Sewerage, Honolulu and Hilo....	65,000.00	
Land sales	5,500.00	
Rents	54,000.00	
Weights and measures and Markets	500.00	
Judgment in re dredger claim and		
interest at 6%—5 years.....	32,500.00	
Reimbursement of light-house ex-		
penditures	23,393.69	
Realizations	10,000.00	619,693.69
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Public Instruction Department:		
Book sales	\$ 10,000.00	
Rents	384.00	
Realizations	500.00	10,884.00
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Survey Department		1,000.00
Health Department:		
Kalaupapa Store	\$ 60,000.00	
Realizations	7,265.00	67,265.00
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Judiciary Department:		
Fines, penalties and costs.....	\$ 92,220.00	
Realizations	2,295.00	94,515.00
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Total		\$5,847,433.69
From which are to be deducted the		
following:		
Road taxes to counties.....	\$ 260,000.00	
One-half other taxes to counties...	1,870,000.00	
One-half licenses to counties.....	210,000.00	2,340,000.00
<hr/>		
Leaving available for terri-		
torial purposes		\$3,507,433.69
Which, after deducting the following:		
1907-08 bond issue (Sinking Fund).\$	30,473.14	
Land Sales, Public Lands Depart-		
ment to Sinking Fund, road pur-		
poses and land improvements...	90,000.00	

Land Sales, Public Works Department to Sinking Fund.....	5,500.00	
Expenses Legislature, 1911.....	30,000.00	
Act 107, S. L. 1907—carried over.	19,912.10	\$ 175,885.24
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Leaves available for territorial appropriations		\$3,331,548.45
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This amount will be reduced by \$51,825.13 for each million of 5-15, 3½ per cent. public improvement or refunding bonds that may be issued, as well as by further appropriations that will probably be made by the legislature of 1911.

Estimate of expenditures for ensuing period. This, for both current and loan funds, will be submitted in a separate statement.

Form of appropriation bill. I recommend that instead of having salaries and expenses, respectively, appropriated for in separate bills, there be but one bill covering both classes of expenditure. This is the practice elsewhere and it has the advantage of presenting in one place all the expenditures authorized for any branch of the public service.

I recommend also that instead of incorporating in each appropriation bill the usual sections prescribing limitations upon expenditures of appropriations, a separate bill of a permanent nature be enacted upon this subject, the provisions of which should be carefully prepared inasmuch as those which have long been enacted with each appropriation bill do not meet all requirements.

Bonds and loan fund. The bonded indebtedness has been reduced by the payment of all outstanding 5 per cent. bonds, amounting to \$53,000, and increased by \$294,000 of 3½ per cent. bonds issued for public improvements, making the present bonded indebtedness \$3,959,000, with a balance of \$4,757.98 in the sinking fund on December 31, 1908.

At the beginning of the period, June 30, 1907, the cash balance in the loan fund was \$248,772.03 against which there were outstanding warrants to the amount of \$444.23, to which cash balance there was added during the year by the sale of new bonds \$288,561, making a total of \$537,333.03, of which \$362,967.83 was expended up to December 31, 1908, leaving at that date a cash balance of \$174,365.20, against which there were outstanding warrants to the amount of \$4,548.92. The balance will practically all be required before the end of the period for appropriations already made.

On May 1, 1908, \$315,000 of 4 per cent. bonds and on October 1, 1908, \$1,000,000 of 4½ per cent. bonds became redeemable, and on January 2, 1910, an additional \$1,000,000 of 4¼ per cent.

bonds will become redeemable. Probably it will be best to pay the \$315,000 of bonds out of the sinking fund as it accumulates, but the \$2,000,000 of $4\frac{1}{2}$ and $4\frac{1}{4}$ per cent. bonds should be refunded at a lower rate of interest. If this should be done in whole or in part before the end of the period, the large sums required to be set aside as sinking fund under the act of the last legislature should be borne in mind in making appropriations.

A bill is pending in Congress to permit greater latitude as to the times of redemption and payment of bonds, so that these may be made such, within reasonable limits, as to make it possible to sell them to best advantage. In contemplation of this, the refunding act should be amended or, perhaps better, should be repealed and a new act passed.

Special funds. I recommend that an act be passed converting the special funds for fire claims, postal money orders and gold and silver certificates of deposit, respectively, into current funds and appropriating the amounts for the payment of claims when presented. This may be done by an act similar to that of 1903 in regard to the Chinese fund.

Deposits of government funds in bank. I recommend legislation for the authorization of this under proper limitations, in order to avoid the withdrawal of large amounts of money from circulation at times and incidentally to increase the revenue by the amounts of interest which may be received on such deposits.

Clearing house certificates. The financial crisis of a little more than a year ago, which fortunately did not seriously affect this Territory, suggests the need of legislation to permit the issuance of clearing house certificates. Perhaps it will be sufficient, in order to accomplish this purpose, to repeal Section 3018 of the Revised Laws.

Official bonds. In view of the meager provisions of the statutes defining the duties of public officers and employees and the decision of the Supreme Court in *Territory v. Richardson*, I recommend that the provisions of the statute providing for bonds of public officers and employees be amended so as to meet all cases.

TAXATION.

In pursuance of a Joint Resolution of the last legislature a tax commission was appointed which, after much labor with commendable public spirit and within the time required by the resolution, submitted its report, with drafts of bills to carry out its recommendations. These have been printed and will be submitted to you for your careful consideration. Several suggestions are made under other headings in this message upon phases of this subject which naturally were not considered by the commission.

PUBLIC HEALTH.

General. The work of the Board of Health covers a wide range of subjects, including the enforcement of the pure food law, milk, fish, meat and cattle inspection, plumbing and school inspection, the suppression of nuisances, the prosecution of the rat and mosquito campaigns, the administration of dispensaries, the insane asylum, the supervision of hospitals and other matters, besides the great subject of leprosy. It is a work upon which in an unusual degree the safety and welfare of the people depend and which comes into peculiarly close touch with them. Its nature is such that it requires special tact and wisdom in its execution as well as wide discretion in those who control it. Next to the department of public instruction, the department of public health is the most expensive in the territorial Government. Of such vital importance, however, is its work that the large sums appropriated and expended for it cannot well be begrudged, but on the contrary there is pressing need of additional appropriations for the better protection of the public health.

Financial. From time to time for some years past the board has been obliged to call upon the Honolulu and Hilo so-called wharf committees for financial assistance. Such a condition should not exist. It is not right in principle to expect private bodies to contribute thus for public needs, nor is it wise to place the guardians of the public health in the precarious condition of depending upon voluntary contributions. There is special need of further appropriations for the more effectual handling of leprosy and tuberculosis, which will be referred to hereinafter more fully.

Co-operation with Federal Officials. The subject of public health is one in which the national as well as the territorial Government is deeply interested and in the administration of which the Federal and territorial officials, although having distinct jurisdictions—one over quarantine, the other over internal health matters—come into close relations and in respect of which there is need of cordial co-operation. In several ways this co-operation may well assume definite shape for economical as well as other purposes. To illustrate, arrangements have been made by which the same offices, equipment and officers are utilized for the enforcement of the pure food laws of the respective governments; by which an officer of the Federal Government has been loaned for conducting the rat campaign; and by which the officers of the two governments are co-operating in the matter of leprosy. There is no danger that the Federal Government will care to take from the Territory jurisdic-

tion over internal health matters so long as the Territory exercises it effectively.

Leprosy. During the last two years many additions and improvements have been made at the settlement, among which special mention may be made of the general hospital, the ward for persons suffering from infectious and contagious diseases other than leprosy, and the nursery for babies. A hospital has been erected at the Kalihi Receiving Station. After a vain search of several years for a site for the boys' home, it was thought best to delay no longer, and the boys were brought to the Honolulu Quarantine Station, which has been utilized as a home for about a year, during which time a site has been obtained and a suitable building erected, to which the boys have recently been moved. A small additional appropriation will be required to complete the furnishing of the home. The girls' home, nearby should have the present old patch-work buildings replaced by suitable new buildings.

Hawaii may well take pride in the generosity and humanity with which she has treated those so unfortunate as to be afflicted with this disease, but the facts make it clear that with even greater humanity there may be much greater effectiveness of treatment. A pronounced change of policy is demanded by the conditions. Hitherto emphasis has been laid almost wholly upon segregation at the settlement, with very imperfect results; it was segregation that did not segregate. Although the policy of segregation has been pursued for forty-three years, it is believed by some of the most competent authorities that there are as many lepers in Hawaii today as there were when segregation began, and it seems beyond question that the percentage of lepers among the Hawaiians is very much larger now than it was then. About $\frac{3}{4}$ of the lepers are Hawaiians and there are probably as many lepers in the aggregate now as there were then when the population of Hawaiians and part-Hawaiians was nearly 60 per cent. greater. It is apparent that if the disease is to be substantially eradicated, a matter of peculiar importance to the Hawaiians and of growing importance to others, some change must be made in the method of dealing with this subject. Segregation has doubtless been of great benefit, particularly in preventing a more rapid spread of the disease, but it has failed in large measure, owing partly to the lack of fear of the disease on the part of the Hawaiians and the dread of removal to the settlement, with the result that there has been great variation in the effectiveness with which segregation has been enforced, and the patients as a rule have not been segregated until well advanced in the disease. The number segregated in different years within a short period of time has varied from 27 to 558, and the patients when segregated

have been afflicted, on the average, perhaps four years. The present law for enforcing segregation should be repealed and a new law enacted, simplifying and rendering less harsh the methods of obtaining control of lepers, and securing them ample protection against an incorrect decision or diagnosis, greater privileges and more effective treatment after obtaining control of them, and every opportunity for possible cure. The prime need is to obtain cases at as early a stage as possible, when there is most hope for cure and when perhaps there is greatest danger of transmission of the disease to others. This should be accomplished by such changes in the law and its administration as will as far as possible convince those who are afflicted, or who have friends who are afflicted, that the earlier the case is reported the better for both themselves and others. It will be necessary also, as in cases of other infectious or contagious diseases, to provide for the examination of contacts or persons who have been particularly exposed to the disease. What has been accomplished in Norway in recent years, it ought to be possible to accomplish here by similar methods. Humanity and safety are of course the controlling considerations, but economy alone is sufficient. Not to mention indirect losses through the community's deprivation of the services of the afflicted and dead, the annual expense of, say, \$150,000, is a burden which the public should not submit to permanently when by a little extra expense at the outset it can probably be practically expunged in a comparatively short time. In order to carry out this policy, hospitals will be required, perhaps on each of the larger islands, and funds will have to be appropriated for their erection and maintenance.

The leprosarium for which Congress made an appropriation several years ago for the scientific investigation of leprosy at the settlement, has been begun during the present period and is approaching completion. Arrangements have been made by which a considerable portion of the appropriation for its maintenance may be used by its officers at Honolulu and elsewhere in the Territory in co-operation with the territorial health department, which will need to provide the necessary quarters for the work.

Tuberculosis. Consumption or the "Great White Plague" until comparatively recently was supposed to be incurable and until very recently has received little special attention, so accustomed had people become to it. Now, while still the most devastating of diseases, it is known to be one of the most preventable and one of the most curable of diseases, and throughout the civilized world a rapidly growing movement is on foot to stamp it out. In Hawaii the number of deaths from this disease has increased from about 150 to 350 a year during

the last decade, most of the cases being of the pulmonary character. It is particularly dangerous to a people like the Hawaiians, who, by reason of having acquired it only lately with the coming of civilization, have not acquired much immunity from it the attention it deserves. The facts, however, are of a startling nature and call for definite and effective action without further delay. I recommend that a law be enacted, in line with the most advanced methods, providing for the notification and registration of cases, the dissemination of the requisite information for proper treatment and for proper safeguards against the spread of the disease, the giving of free advice and making of free examinations, the sale at cost of necessary apparatus, and the erection and maintenance of sanatoria for purposes of cure and of hospitals for the care of those beyond hope of cure.

PUBLIC SCHOOLS.

Enrollment, instruction, buildings, cost. The cost of pupils continues to increase rapidly, there being now 19,474 in the public schools alone. This necessitates an increase in the teaching force, which is already small in proportion to the number of pupils, and consequently an increase in cost without increasing present salaries, already too small. During the eight years of territorial Government the increase of pupils in the public schools has been about 70 per cent. Of the increase during the last year 68.33 per cent. was Japanese. In 1904 the cost per pupil per annum, exclusive of expenditures from the loan fund for new buildings, was \$28.27. The largest reduction in current expenditures at the special session of the legislature in that year, in order to bring expenditures within revenues, was in teachers' salaries, with the result that the cost per pupil per annum was reduced to only \$20.41 in 1907, in which year salaries were restored nearly to their former amounts, bringing the cost up to \$25.16 in 1908, or an aggregate of \$467,232.85, an increase of more than \$130,000 over the amount of 1905. This is money that goes for definite important purposes other than mere machinery of government and of such a character that it is obvious that the money is not wasted.

It is difficult to see how the increasing needs can be met without diminishing the number of pupils in the public schools or providing for an increase in the revenues with this special end in view. Such a reduction may be effected in various ways, but perhaps in no satisfactory way that will give full relief. Perhaps the most logical method or augmenting the income for this purpose would be to increase the school tax and devote

it to school purposes, that tax being now a school tax only in name, as it goes into the general revenue. A comparatively small tax would yield a large revenue.

In addition to the cost of maintenance above referred to, there have been expended during the last six years more than half a million dollars out of loan fund in the construction of school buildings. During the last two years many new buildings have been erected, including the splendid high school building in Honolulu. Many more are needed. A beginning has been made in carrying out the policy of concentration, with a view to having one graded and more efficient school in place of two or more ungraded and less efficient schools, where that can be done. Recommendations for additional school buildings to be provided for out of loan fund will be submitted for your consideration. Increased attention has been given to manual and agricultural training, domestic science, and the establishment of school-cities and school-counties. These are not fads, but are most important and practical parts in the training of the children mentally and the development in them of right tastes and interests.

Medical inspection. This is a matter to which the Superintendent of Public Instruction has given much careful study and in which great progress has been made in recent years elsewhere. It is a subject to which I cannot too urgently request your careful attention. It calls for both a law on the subject and an appropriation for its execution. The object is to discover cases of ill health and defectiveness in pupils, with a view to their being remedied, as far as may be, not by government physicians but by physicians selected by the pupils or their parents or guardians, and also with a view to having the instruction of such children specially adapted to their needs and capacities. These objects may be attained through appropriate legislation without interference with private rights or undue personal annoyance or inconvenience.

COLLEGE OF AGRICULTURE.

The establishment of this college was authorized by the last legislature. After much effort a ruling was obtained entitling Hawaii to share in the Federal appropriations for colleges of this character, and \$30,000 has been received for the last and \$35,000 for the present fiscal year. The amount will be increased \$5,000 each year until it reaches \$50,000 a year. The college has been established in temporary quarters and a large tract of land secured for permanent quarters. Additional adjoining land will be required, for which provision should be made by the legislature. A large and efficient faculty has been

obtained and the college is in operation. Appropriations should be made out of loan fund for such permanent buildings upon the permanent site as are of immediate necessity.

The law establishing the college may well be amended in some particulars, as, for instance, by providing more definitely for a treasurer who has the handling of the large contributions made by the Federal Government. At the same time, the legislative assent to such contributions should be given, as required by the Federal statutes, which have been held by inference to have been complied with in this respect, but chances ought not to be taken on the possibility of a reversal of such ruling.

PUBLIC ARCHIVES.

A suitable building having been erected, much good work has been done towards the collection, arrangement and indexing of the archives and the translation of those that are in the Hawaiian language. Although it is highly desirable to prosecute this work vigorously, the lack of funds suggests that it might well be carried on somewhat slowly, now that the most pressing need—that of putting the archives in a safe place and making them accessible to the public—has been met.

Certified copies of records. In order to avoid loss and damage or destruction by removal and excessive handling of the archives, I recommend that provision be made for the use of certified copies as evidence and for other purposes, and for the charging of appropriate fees for furnishing such copies.

PUBLIC LIBRARY.

The last legislature provided for the establishment of a public library and appropriated a small sum for maintenance for the current fiscal period, in the hope apparently that the funds for the construction of the building might be obtained by gift and apparently also with the idea that arrangements might be made by which the library of the Honolulu Library and Reading Room Association and the proposed public library might be combined in some way. Negotiations are under way, which it is hoped will result in such a combination. There is good reason to believe that the necessary funds for the building can be obtained from a well-known philanthropist in case the necessary legislation and such combination with the other library is effected. A new law should be enacted as a substitute for that enacted by the last legislature, which will be satisfactory not only to the expected donor but to the trustees of the Honolulu Library and Reading Room Association. I recommend a

permanent appropriation or guarantee of so much annually as may be necessary to the extent of 10 per cent. of such amount as may be donated for the building, but not to exceed \$15,000 per annum. If the other library combines with this, the proceeds of its funds will probably furnish \$5,000 or \$6,000 per annum of the required amount, leaving only the balance to be furnished by the Territory, say, \$4,000 or \$5,000 per annum, if \$100,000 is donated for the building. This is a very small amount for a project of such immense public benefit, the educational value of which in its many possible phases would probably exceed that of the expenditure of several times as much on the public schools. The 20,000 volumes or so of the other library would make a good beginning, and the library of the Hawaiian Historical Society might also well be housed in the public library.

PUBLIC WORKS.

General. The department of public works has charge of all internal improvements except those now transferred to the counties. These cover, besides other matters, harbors and landings, water works, sewer works, new roads and bridges, and public buildings including court-houses, jails, school-houses and hospitals, through the Territory.

The expenditures during the last two fiscal years were \$1,273,-464.92, of which \$817,706.28 was out of loan fund and \$455,-758.64 out of current revenues, and the receipts were \$599,783.99.

Proposed new work. New work should be done as far as possible with reference to comprehensive plans designed to meet the requirements for a long time to come. Much study, especially of water, sewer and wharf systems, has been made during the period, and tentative or preliminary plans for such works, as well as for needed public buildings, have been prepared for the use of the department with this end in view and as a means of assistance to your honorable body to enable you the better to decide what works should be undertaken and how much should be appropriated for them. The estimates for needed works aggregate more than a million and a half dollars. A statement will be submitted of such portions of these as are most pressing.

In this connection, we should remind ourselves that upwards of three million dollars have been expended in public improvements out of loan funds since the establishment of territorial government, thereby bringing the bonded indebtedness up to nearly four millions. While this is only about three per cent. of the assessed values of real and personal property, care should be taken not to increase it except so far as absolutely necessary, especially for improvements that will not produce revenue.

Every increase means an additional annual charge on the revenues for interest and sinking fund.

Honolulu water works. I call your special attention to the Honolulu water works. Early in the period it became apparent that the cost and time of completion of the Nuuanu Dam and Reservoir would exceed the necessities of the case if the work were continued under the original contract, and accordingly that contract was cancelled and a new contract made, involving less cost and time for completion, under which the work has proceeded in a satisfactory manner, though with delays due to unusual drought. This project will cost nearly \$300,000. The water works as a whole represent an investment of more than \$1,000,000. In order to obtain the full benefit of this large expenditure,—by reducing cost of operation, preventing waste, utilizing the power which may be developed by the water from the new reservoir, and in order to furnish an absolutely pure supply—I recommend to your careful consideration the questions of supplementing and systematizing the various parts, installation of electric plants for power purposes, use of the power for pumping from artesian wells, at least for the lower levels, and thereby avoiding the construction and maintenance of filters, and the requirement of meters by consumers.

Water works for country districts. The recent prolonged drought and the resulting hardships to the homesteaders and others in the district of Kula, Maui, presents forcibly the question as to whether the Government should not in some cases provide water works for domestic use and even for irrigation, in country districts. There is no reason in principle why this should not be done for people living in the country as well as for people living in the city. It is mainly a question of cost and revenue, coupled with the necessity of governmental action in order to meet the needs. In a district which is or is likely to be comparatively thickly settled by people of moderate means who are otherwise unable to obtain an adequate supply of water, where the cost of obtaining water is not excessive and the installation of water works is likely to yield a fair return upon the investment, there is every reason why the work should be undertaken by the Government. Similar works may be required on a small scale at Kapaa and at Kalaheo on the Island of Kauai and perhaps at other places.

Acquirement of land for public purposes. Hitherto, notwithstanding the many requirements of land for streets, roads, buildings and other public purposes, it has been customary not to appropriate money for obtaining such lands either by private purchase or by condemnation suits; it has been tacitly understood that the Government would obtain the necessary land by exchange of other lands. This not only has resulted in wide-

spread dissatisfaction in a number of instances, but has often been embarrassing to the Government. As a rule, private parties in dealing with the Government prefer exchanges to sales, and it is believed that the Government might often do better if it could sell the land proposed to be exchanged and purchase the desired land with the proceeds. I suggest that unless a general appropriation is made to meet such cases, authority be granted to use for this purpose the proceeds of sales of lands which otherwise might be exchanged. This would make possible a procedure at the same time more business-like and less open to serious inherent objections.

Lands under public works department. It is desirable that all public lands should be under one department, namely, the land department, except in so far as needed for use by other departments. Sales and leases may be made now by at least three departments and patents may be issued by two. There is also uncertainty in some cases as to whether a particular piece of land is under the public lands or the public works department and also as to whether the legislature has authority to place the care of forest lands under the board of agriculture and forestry and as to the status of lands acquired by exchange. A bill is pending in Congress to remedy these matters. Meanwhile several other objectionable features in the laws relating to lands clearly under the department of public works may be remedied by legislative action.

IMMIGRATION.

Towards the close of the last fiscal period, the board of immigration obtained 4,684 Portuguese and Spaniards from their native countries by means of voluntary contributions. A few who were unable to comply with the immigration laws were returned. The entire cost exceeded \$300,000. The new immigration act forbids assistance of immigration by voluntary contributions. The board has accordingly re-established an agency, lately terminated, in California which resulted in bringing in some hundreds of people, most of whom had previously gone there from here. The board has also established an agency in New York City, the probable results of which it is too early yet to state.

It is of the greatest consequence that in some way adequate provision should be made for further immigration on a considerable scale. The Territory is underpopulated; more people are needed for the settlement of the public lands and the development of the natural resources, in order to secure in fuller measure the many benefits possible only in denser and more complex communities; there is great need of additional laborers

for the maintenance and growth of industrial prosperity,—laborers who will be American citizens and home-owners. This is quite as necessary for the laborer as for the capitalist. The development of the Territory means greater benefits and lighter burdens for all. Scarcely any subject calling for your consideration is of more vital importance than this. The necessary funds are too large to come out of present revenues. The most feasible way of meeting the situation may be through an additional income tax, with a larger exemption in order that the increased burden may fall more upon those best able to bear it. The subject of immigration is inseparably connected with that of the conservation, development and better utilization of the natural resources. The proceeds of the additional tax may well be apportioned between these two objects. These objects may include some or all of the following and others closely related which may be grouped under the head of:

(CONSERVATION AND DEVELOPMENT OF NATURAL RESOURCES.

Public thought has been awakened during the last year as never before to the scope and importance of this subject. There is no need of enlarging upon it here. It has many phases. Hawaii is scant in mineral resources and in inland waterways. Her resources are mainly of the soil and the forest, the latter chiefly for the conservation of water for irrigation, power and domestic use. Transportation facilities with other land and harbor facilities naturally fall more peculiarly within the sphere of the Federal Government. There is within the Territory lack of railroad facilities, but perhaps the people are not prepared to encourage railroad buildings by subsidies or guaranty of interest on bonds. The construction of needed roads will be considered under the head of public lands. The principal remaining work in the conservation, development and better utilization of the natural resources within the available means would naturally in large measure take the following forms, to which portions of the fund above mentioned might be devoted.

Settlement of lands, public and private. This should involve much more than has hitherto been deemed to be within the scope of the public land office. It should consist not merely in the surveying and the exchanging, selling and leasing of public lands and other incidental matters. It should include the study of large questions of immigration, industries, transportation, marketing, water supply and power, the best utilization of private as well as public lands, and the working out of schemes for execution by the Government or private owners singly or in co-operation.

Hydrographic and topographic surveys. A bill is pending in Congress for the extension of the reclamation service to Hawaii. A topographic and hydrographic survey is a preliminary to reclamation work and should be undertaken at the earliest possible date in order to advance the time when reclamation work may be begun. That work would mean the conversion of perhaps 100,000 acres of arid land into homesteads and is probably the only feasible method by which homesteading can be accomplished upon a large scale. Such surveys are urgently needed for other purposes also. An appropriation of at least \$5,000 a year should be made for this purpose in any event and authority should be given for its expenditure under the direction of the appropriate Federal officers, who will gladly co-operate not only in service but as far as possible with funds.

Agriculture and forestry. Scarcely any work for the benefit of the small farmer or the diversification of industries is of greater importance than that within the functions of the board agriculture and forestry and the experiment station. Under existing conditions, the acquisition and application of scientific knowledge is essential to success. There is need of additional money not only for the extension and protection of forests, but for the promotion and protection of live-stock and agricultural industries both large and small.

Marketing facilities. There is a widespread belief that the Government should assist the small producer in overcoming one of his greatest difficulties, that of marketing his produce, a matter in which he is peculiarly at the mercy of others and in which there is need of co-operation, which without government assistance it is exceedingly difficult to effect. The work could be conducted without materially interfering with private business and in the end would doubtless prove of benefit to private business engaged in similar lines of work. The service could be kept in touch with transportation companies with a view to securing reasonable freight rates and making such rates and various accommodations an object to the companies by reason of increased production and shipments and care in picking. Marketing could be studied, buyers and sellers could be brought together, and information as to obtainable or desired products and facilities for transporting them could be furnished.

Statistician. There should be systematic and continuous collection, classification and distribution of information bearing upon the foregoing and other subjects. There is an immense amount of information available already, but for the most part in scattered form, relating to all lines of governmental and private activity. This should be collected, added to, classified and made available for all needs.

Specific projects. A portion of the fund may be expended for specific irrigation, road and other projects as well as for the foregoing and other general purposes.

PUBLIC LANDS AND SURVEY.

These departments are closely related in their work and their offices should adjoin or be combined for convenience and economy. This may be more feasible when the judiciary building is remodeled.

The increased appropriations have enabled these departments to do a large amount of work during the current period. Their receipts for the last two calendar years, almost entirely through the land department, amounted to \$407,961.76, while their expenditures, the larger portion through the survey department, amounted to \$86,112.01.

There are few questions of more general or intense interest than that of the public lands. It is one of extreme difficulty. The total area is small, little of that is arable, there are great variations in temperature, rainfall and soils, pests are abundant, the knowledge of tropical agriculture is meager, the contour of the country broken, road building expensive, development of the land costly, transportation facilities are inadequate, the world's markets distant and the wants of different races diverse. There are great inducements to speculate, little to homestead.

During the present period much study has been given to the subject; a commission was appointed which has investigated and reported; a bill is pending in Congress to carry out its recommendations, and to remedy other difficulties not considered by it. Meanwhile the difficulties are being met as best may be under the present laws.

The disposal of land to settlement associations has been discontinued; the right of purchase lease and cash freehold agreement has been displaced in large measure by a new form of special agreement, the object of which is to prevent the purchase of public lands for speculation or investment and to facilitate its homesteading, mainly by increasing the requirements of residence and cultivation and making easier the conditions which the bona fide homesteader usually finds most difficult to comply with. Sales of large tracts of country land, and exchanges of such lands for city property, have in the main been discontinued. Congress, while extending the period for which agricultural land may be leased, has provided that such land when leased may be taken over at any time for purposes of homesteading or other public purposes. This provision, although widely misunderstood, is a wise one for both the capitalist and

the intending homesteader. There is being prepared a complete history and statement of the present condition of every homestead that has been sold under the present laws—for the light that it may shed upon the operation of the laws. It is planned to prepare soon in convenient form maps and descriptions of all lands opened but not taken for homestead purposes—for the information of home-seekers; likewise a record of each tract of public land, in which may be entered for the future use of the department all information from time to time acquired in regard to it. A complete table of all patents and awards is about ready for the press.

Homestead roads. Although there are about a thousand lots laid off for homesteads, there is practically no demand for them, mainly for want of roads. Demand for homesteads is concentrated chiefly upon lands adjoining or near to roads. The cost of roads in this Territory is usually very large. The law at present permits the use of fifty per cent. of the appraised value of lands opened for settlement to be set apart from the proceeds of the sales of such lands for the construction of roads through and from them to the public roads; but it is often inadvisable to sell lands before the roads are built,—it is disadvantageous to the Territory and invites intending settlers to take up lands under conditions which they cannot meet. It would seem that the use of the entire proceeds from the sales of lands sold for settlement purposes should be authorized for this purpose and that authority for constructing the roads for any particular tract should not be confined to the proceeds of sales of that tract.

AGRICULTURE AND FORESTRY.

Much exceedingly valuable service has been performed by this board through its divisions of forestry, animal industry and entomology. The service can be greatly extended with profit provided funds are available, but unless some such arrangement as is above suggested is made, it is not easy to see how this can be accomplished.

A serious question has been raised as to whether the president and executive officer of the board should not be salaried like the heads of other departments. There could be little doubt of the advisability of this if there were sufficient funds and if the department should be permitted to expand its work as it ought to. Under the circumstances, however, this would hardly be justified. The work at present is such that it may be performed by the head of one of the other departments, as, for instance, the Public Works, if it requires mainly an executive officer, or by the head of some other scientific institution, if it requires

mainly a scientific director, notwithstanding that each of its three divisions is expected to be under a director of high scientific attainments. The leaning should be towards consolidation rather than multiplication of governmental agencies—for purposes of economy and efficiency and unnecessary duplication of work. Besides the extensive experiment station of the sugar planters, there are the territorial board of agriculture and forestry, the Federal experiment station and the college of agriculture and mechanic arts engaged to some extent in work of similar character. The Federal station is practically a territorial institution, though managed and supported mainly by the Federal Government. Eventually it not unlikely will be under territorial management. Sooner or later it may prove best to combine with it the board of agriculture and forestry. It may be advisable even now to have these institutions directed by the same person, if that can be arranged.

ATTORNEY GENERAL'S DEPARTMENT.

General. The larger part of the work of this department has been office work, mainly advisory of the other departments, and yet a large amount of court work also has been done. The department has handled 466 criminal cases, having done most of the work before the grand juries in all the circuits other than the first. It has appeared also in 474 civil cases. Its work has included in part 13 cases in the United States Supreme Court, 2 in the United States Circuit Court of Appeals, 7 in the United States District Court, 86 in the territorial Supreme Court, 90 in the circuit courts, 45 in the land court, 85 in tax appeal courts and numerous others in district courts. In these cases large amounts have been recovered or secured to the Government, titles of lands have been settled and many other questions of importance decided.

It is planned during the coming period that this department, while continuing its advisory and other office work as its main feature, shall engage less in the conduct of criminal cases, leaving that more to county attorneys, and shall devote increased attention to civil cases, largely for enforcement of territorial claims, the settlement of boundaries and titles, and other lines of work for the purpose of settling and securing what justly belongs or is owing to the Government. For the purposes of economy and by curtailing work in criminal cases, it is believed that one of the attorneys in the department may be dispensed with, notwithstanding the plans for much additional work in other directions.

Appeals in criminal cases. I recommend that provision be made, substantially as was done recently by Act of Congress

for Federal cases, permitting appeals to be taken on points of law by the prosecution under certain circumstances in criminal cases.

Prisons. Constant advance has been made in Hawaii for nearly a century past in the treatment of prisoners and for half a century at least the treatment has been such as to evoke commendation from distinguished penologists. Strict attention has been given to sanitation, the prisoners have been well housed and as a rule kept at employment, principally out of doors; humanity, directed, however, by common sense rather than sentimentality, has been the guiding principle.

In this age it is hardly necessary to say that the motive of punishment should not be revenge. It should be protection. Criminals should be regarded as abnormal or diseased. The aim in the treatment of moral as well as physical disease should be protection by prevention and cure through scientific methods, not the mere meting out of arbitrary amounts of suffering for various specific acts. I invite your careful consideration to the following:

Juvenile courts. This subject falls more naturally under the head of prison than of judicial reform. In 1870 district magistrates were authorized to commit to industrial schools children under 15 years of age, but this applied only to cases in which the prescribed imprisonment did not exceed two years, and the commitment could not exceed the prescribed term. In 1903 the jurisdiction was extended to circuit courts and judges, thereby permitting commitments in all cases tried before them irrespective of the prescribed term of imprisonment, but the terms of commitment were limited to those prescribed as punishment for the respective offenses. In 1905 these courts and magistrates were made practically juvenile courts with the usual powers of placing children under probation officers instead of committing them to prison or to the industrial school, the age limit was raised to 16 years, the trials were to be separate from the trials of older offenders and the children were to be kept apart from older offenders at other times, but the jurisdiction was confined to cases for which the prescribed term was not more than two years and to so-called delinquents and adequate provision was not made for the separation of the children from older offenders. In 1907 the age limit was increased to 18 years and the term for which the children might be committed to the industrial school was extended to any period during minority irrespective of the term prescribed by statute for the particular offense. These industrial schools are among the best training schools in the Territory and serve to some extent as models toward which the public schools should be

brought so as to afford normal children the advantages possessed by the abnormal.

It is time for a further advance. I recommend that the jurisdiction over children be confined to circuit judges as far as feasible, that it be extended to so-called dependents as well as delinquents, that the proceedings be made of a non-criminal character, that the evidence in such cases be not permitted to be used against the children in other proceedings, that proper safeguards be placed about such dependents and delinquents so as to make the proceedings as harmless and beneficial as possible to them, as, for instance, by effectual separation from older offenders, by requiring as far as practicable investigation before summons, summons to parent or child before arrest, that parents be held to greater responsibility, and that authority be given to commit dependents as distinguished from delinquents to suitable institutions or persons according to their needs.

Indeterminate sentences. In line with the most advanced methods elsewhere, the principles applied to juveniles should be extended to adults as far as applicable. Subject to certain qualifications, it is neither humane nor businesslike to keep a person in prison after he is reformed and is willing and able to be a law-abiding citizen. It is almost equally inhumane to the prisoner and disregardful of the welfare of the community to liberate him when he is not fit or safe to be at large. Sentimentality on the one hand and the spirit of vengeance on the other should yield to science and common sense. When a prisoner has proved his worthiness to resume membership in the community, he should not be kept behind bars, to his own detriment and the public expense; when he has not proved it, it is not kindness to him to let him out, nor is it right to the community to give him another opportunity to prey upon it and to bring upon it the expense of another arrest and trial. I recommend that indeterminate sentences be provided for within prescribed limits and that appropriate provisions be enacted for determining fairly when a prisoner should be released, so that the length of his term may be determined automatically as far as practicable by his own conduct and condition.

Suspension of sentence. I recommend that the provision for suspension of sentence for a period of 13 months with a right to discharge at the end of that time, if not previously sentenced, be amended so as to permit the suspension to be made upon conditions, particularly with a view to making more effectual the period of suspension a probationary period.

THE COURTS.

All the territorial courts are practically up to date in their work. Civil cases have increased and criminal cases decreased

in number, and the percentage of convictions in criminal cases has increased. There has been a large increase in divorce cases, due in part to temporary causes but suggestive of the need of further legislation to prevent too early hearings after service of process and to guard against collusion. Bills are pending in Congress for an additional Federal judge to relieve the congestion of work in the Federal court and also for disqualifying judges in the territorial courts who have been of counsel, and ratifying naturalizations made by circuit courts before the recent Act of Congress giving them such jurisdiction in clear terms.

Judiciary building. This was constructed 37 years ago and has not been thoroughly overhauled since. Although it is a beautiful building exteriorly, prominently located, and one of the most frequented of public buildings as well as second in importance, its interior condition is scarcely less than disgraceful. It contains many of the most important public records, but it is far from fire-proof. Its interior arrangement was not made with the best economy of space. Its interior should be remade for better economy of space, protection from fire, and presentable appearance, and a new roof is needed for protection from rain. Twice have appropriations been made for this purpose, but each time out of current revenues, the expenditure of which has been impossible for lack of funds. It will be equally impossible for the same reason again, if the appropriation is made from current revenue. It might with equal propriety be made out of loan fund, for it will be, not for the mere renovation or repair of the building, but practically for the reconstruction of the interior on different lines and with material of a different kind.

Reorganization and reduction of cost. This department offers one of the best opportunities for readjustment with a view to greater simplicity and economy. The land registration court may well be merged in the circuit court of the first circuit, whose judges now have made ample time for the work, thereby making one less court and saving the salaries of its officers, amounting to \$6,000 for the biennial period, but without altering its methods of procedure.

The clerks' offices of the supreme and first circuit courts should be separated for purposes of economy as well as of business-like methods. This would involve the abolition of the office of clerk of the judiciary department and the repeal of the provisions making the clerks of the several courts of record his deputies, as well as the abolition of the offices of stenographer and assistant clerk of the judiciary department, and the janitor work should be transferred to the Public Works Department to

be conducted in conjunction with similar work in the remainder of the building.

In the supreme court probably one clerk can be dispensed with as well as the night librarian, whose duties can be performed by others. The gains from these changes would be offset in part by the requirement of an additional stenographer for the supreme court and an additional officer with the duties of bailiff, librarian, messenger and assistant clerk. Some of the salaries may be reduced slightly. The net result would be a saving of, say, \$12,000 for the biennial period.

In the circuit courts, all bailiffs may be dropped. Much of the time they are not needed, especially in the circuits other than the first. Other officers may be given authority to act as bailiffs and when necessary police officers may be assigned by the sheriffs, the county and municipal acts expressly imposing upon the sheriffs the duty of attendance at the circuit courts.

In the first circuit, the salaries of the stenographers may well be reduced to \$150, in addition to their fees for transcribing. The Chinese and Portuguese interpreters and perhaps one Hawaiian interpreter may be dispensed with and such interpreters when needed may be specially employed.

These changes and other minor changes, offset in part by certain consequent increases, would involve a saving of, say, \$20,000 for the period.

In the district courts the item of \$2,500 for interpreters may be omitted or greatly reduced. The principal expense under this is in the district court of Honolulu and the municipal act imposes upon the supervisors the duty to provide for the compensation of interpreters in that court.

Considerable reductions may be made also in various appropriations for expenses of the several courts.

Tax Jurors' fees as costs. In most places jurors' fees are taxed as costs, and there is no reason why they should not be, subject to proper exceptions. In civil cases between private parties the public has no direct interest, and in criminal cases one found guilty cannot well complain of being required to pay the costs incurred by his own misconduct. An exception may be made in favor of poor persons. The courts may also be given discretion in civil cases at law, as now in equity, to tax costs of needless proceedings to the party responsible irrespective of the final result of the case. It may be provided also that trial by jury shall be deemed waived unless demanded. When there is so great need of funds for general public purposes of pressing importance, it is only right that those receiving special benefit or causing special expense should recompense the public

in part at least. The public would still bear the bulk of the expense of litigation by the maintenance of the judiciary,—in salaries, buildings and other ways.

Masters' fees. These and other fees should be required to be turned into the public treasury. The system of payment in whole or in part by fees, except under special circumstances, is both unbusiness-like and demoralizing to the service.

Terms and circuits. I recommend that all terms in the second circuit be held at the county seat in Wailuku, thus doing away with the term at Lahaina. The obvious reasons,—economy to the public and individuals and convenience—are accentuated now by the fact that a splendid new court-house has been erected at Wailuku.

I suggest for your consideration the question whether the County of Kalawao should not be brought within the first circuit for judicial purposes, inasmuch as it is naturally more closely identified with that circuit by reason of greater facilities of communication.

NATIONAL GUARD.

Armory. The present housing for the national guard and its equipment is deplorable. The members deserve great commendation for their self-sacrifice and enthusiastic service in face of the conditions. If there is to be a national guard at all, it should have proper accommodations, not only for the safeguarding of its equipment, but for the comfort and convenience of its members. I recommend an appropriation from the loan fund for an armory in case the National Government restores to the Territory for the site a sufficient and suitable portion of the barracks lot.

Increase. The last legislature appropriated \$5,000 a year for the national guard. The National Government allotted nearly three times as much, besides nearly twice as much additional in equipment. The people of the Territory are patriotic enough to desire to do their part. An appropriation is recommended, if the necessary funds can be provided, for the purpose of enlarging the guard to a full regiment.

Adjutant General. This should be a paid official, if sufficient funds can be provided. The work has grown too great to ask for its performance without remuneration and, if the above recommendations are carried out, it will be considerably increased.

CONCLUSION.

Natural limitations forbid a review in this message of the work accomplished during the period. For this I invite your

careful attention to the reports of the various departments. Likewise many subjects calling for legislative action have been omitted.

The needs above set forth cannot be met without an increase of revenue. I suggest that as far as practicable such legislation as may result in an increase or diminution of revenue be enacted as early in the session as possible, so that appropriations may be made with such changes in view. Estimates will be submitted upon the present basis, bringing contemplated expenditures within contemplated revenues. If these are added to in the aggregate, additional revenue should be provided for.

In conclusion, I need hardly remind you that the achievements of a legislature are measured not in the amount of legislation enacted but in its character.

WALTER F. FREAR,
Governor of Hawaii.

Senator Knudsen moved that the Message of the Governor be received and placed on file.

A Communication (No. 1) from the House of Representatives, informing the Senate of its organization and officers, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii for the Regular Session of the Legislature of 1909 has been duly organized and is ready to transact business.

The following officers of the House have been duly elected:

Speaker.....	Hon. H. L. Holstein.
Vice-Speaker.....	Hon. Chas. A. Rice.
Clerk.....	Mr. Edward Woodward.
Stenographer.....	Mr. James W. Lloyd.
Sergeant-at-Arms.....	Mr. Harry Kahale.
Messenger.....	Mr. James Apao.
Janitor.....	Mr. S. W. Kahiona.
Interpreter.....	Mr. Wm. H. Beers.
Chaplain.....	Rev. W. N. Lono.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair here appointed the following Committee on Rules:

Senators Kalama, Knudsen and Baker.

At 11:23 o'clock a Message (No. 2) from the Governor, submitting his appointments subject to confirmation by the Senate, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,
Executive Chamber,

February 17, 1909.

To the Senate:

I have the honor to submit herewith for your consideration the appointments made by me and subject to confirmation of your honorable body.

WALTER F. FREAR,
Governor of Hawaii.

APPOINTMENTS BY THE GOVERNOR SUBJECT TO CONFIRMATION BY THE SENATE.

ATTORNEY GENERAL.

Charles Reed Hemenway.....August 15, 1907.

TREASURER.

A. J. Campbell.....April 13, 1908.

SUPERINTENDENT OF PUBLIC WORKS.

Marston Campbell.....November 1, 1907.

COMMISSIONER OF PUBLIC LANDS.

James W. Pratt.....November 30, 1907.

SURVEYOR.

Walter E. Wall.....November 25, 1907.

SENATE JOURNAL.

AUDITOR.

Joseph H. Fisher.....November 25, 1907.

DEPUTY AUDITOR.

Henry Clay Meyers.....June 4, 1908.

HIGH SHERIFF.

William Henry.....October 21, 1908.

REGISTRAR OF CONVEYANCES.

Charles H. Merriam.....May 16, 1908.

COMMISSIONERS OF PUBLIC INSTRUCTION.

S. M. Kanakanui.....July 30, 1907.

F. T. P. Waterhouse.....June 25, 1907.

Mrs. Mary Wilcox.....July 28, 1908.

Antonio PerryJuly 29, 1908.

BOARD OF HEALTH.

Mark P. Robinson, President.....July 2, 1908.

Frederick C. Smith.....May 17, 1907.

James F. Morgan.....April 13, 1908.

David Kalauokalani, Sr.....January 2, 1909.

COMMISSIONERS OF AGRICULTURE AND FORESTRY.

Marston Campbell, President.....January 26, 1909.

Albert Waterhouse.....November 5, 1907.

H. M. von Holt.....September 15, 1908.

John M. Dowsett.....January 26, 1909.

COMMISSIONER OF IMMIGRATION.

Ernest A. Mott-Smith, President.....August 15, 1908.

Richard IversAugust 15, 1908.

COMMISSIONER OF PUBLIC ARCHIVES.

George Robert Carter.....October 15, 1907.

REGULAR SESSION.

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REGENTS OF THE COLLEGE OF AGRICULTURE AND
MECHANIC ARTS.

Ralph S. Hosmer.....September 10, 1907.
Henry E. Cooper.....April 13, 1908.

HAWAIIAN LIBRARY.

William L. Whitney.....July 30, 1907.
Alonzo Gartley.....April 21, 1908.

JUDGE, LAND REGISTRATION COURT.

P. L. Weaver.....June 13, 1908.

HONOLULU PARK COMMISSION.

Walter M. Giffard.....August 8, 1908.
George P. Castle.....August 15, 1908.
Gerrit P. Wilder.....August 28, 1908.

MEDICAL EXAMINERS.

A. N. Sinclair, M. D.....March 5, 1908.

DENTAL EXAMINERS.

C. B. High, D. D. S.....July 30, 1907.
A. J. Derby, D. D. S.....May 10, 1908.

BOARD OF PHARMACY.

Samuel S. Peck.....July 30, 1907.
William L. Moore, M. D.....July 30, 1907.
Ray B. Reedy.....July 30, 1907.

LICENSE COMMISSIONERS.

County of Hawaii.

A. Lidgate, Second Class.....October 5, 1907.
William H. Greenwell, First Class.....July 13, 1908.

County of Maui.

H. A. Baldwin, First Class.....June 12, 1907.

County of Oahu.

A. J. Campbell, Second Class.....December 26, 1907.
Clarence H. Cooke, First Class.....June 20, 1908.
Norman Watkins, Second Class.....July 28, 1908.

SENATE JOURNAL.

Carlos A. Long, First Class.....November 6, 1908.

County of Kanai.

Harry R. Smythe, Second Class.....September 13, 1907.

Augustus F. Knudsen, Second Class.....November 2, 1908.

PRISON INSPECTOR, FIRST JUDICIAL CIRCUIT.

Edward Davis.....June 12, 1907.

MEMBERS, BOARDS OF REGISTRATION.

Districts of Puna, Hilo and Hamakua, Island of Hawaii.

Manuel S. Pacheco.....July 24, 1908.

Districts of Kohala, Kona and Kau, Island of Hawaii.

George P. Tulloch.....October 26, 1908.

W. J. Hooper.....October 29, 1908.

Islands of Molokai, Maui, Lanai and Kahoolawe.

George Weight.....July 25, 1908.

Morris K. Keohokalole.....August 27, 1908.

Simpson Decker.....July 25, 1908.

Island of Oahu.

Abraham St. C. Piianaia.....July 24, 1908.

John D. Holt, Jr.....July 24, 1908.

Islands of Kauai and Niihau.

Samuel K. Kanewanui.....August 27, 1908.

W. F. Sanborn.....July 28, 1908.

ELECTION INSPECTORS.

First Representative District.

First Precinct.

D. K. Kama.....October 5, 1908.

J. H. Hauanio.....October 5, 1908.

Daniel KaloiOctober 5, 1908.

Second Precinct.

L. K. Kalawe.....October 5, 1908.

S. K. Kenoi.....October 5, 1908.

J. A. K. Ohia.....October 5, 1908.

Third Precinct.

J. S. Grace.....October 5, 1908.

M. De Coito.....October 5, 1908.

Jos. KekoakulanaOctober 5, 1908.

Fourth Precinct.

O. W. Rose.....October 5, 1908.

Evan Da Silva.....October 5, 1908.

M. NapeahiOctober 5, 1908.

Fifth Precinct.

I. E. Ray.....October 5, 1908.
 M. F. Spinola.....October 5, 1908.
 J. K. Maa.....October 5, 1908.

Sixth Precinct.

George V. Jakins.....October 13, 1908.
 J. WaiheeOctober 5, 1908.
 John KakaeOctober 5, 1908.

Seventh Precinct.

H. D. Beveridge.....October 5, 1908.
 D. G. Butchart.....October 20, 1908.
 S. W. A. Kaleiho-a.....October 5, 1908.

Eighth Precinct.

B. B. Macy.....October 5, 1908.
 John KahalekulaniOctober 5, 1908.
 Joseph Viera Toleda.....October 5, 1908.

Ninth Precinct.

Guy L. Duckworth.....October 5, 1908.
 John WilliamsOctober 14, 1908.
 Henry E. Haa.....October 5, 1908.

Tenth Precinct.

J. W. Leonhart.....October 5, 1908.
 Thomas Hoapili Kalala.....October 5, 1908.
 J. WaiohinuOctober 5, 1908.

Eleventh Precinct.

George F. Hall.....October 5, 1908.
 Henry B. Kukona.....October 5, 1908.
 Isaac PaulaulaOctober 5, 1908.

Twelfth Precinct.

William HornerOctober 5, 1908.
 John G. Jones.....October 5, 1908.
 Joseph Perez, Jr.....October 13, 1908.

Second Representative District.**First Precinct.**

Cornelius BondOctober 26, 1908.
 H. K. Molale.....October 14, 1908.
 Simeon AbrahamSeptember 25, 1908.

Second Precinct.

A. K. Eldridge.....September 25, 1908.
 A. K. McDougall.....September 25, 1908.
 D. S. Kaainakeohokapu, Sr.....September 25, 1908.

Third Precinct.

Sam KamaipelekaneSeptember 25, 1908.
 Oliver LaauOctober 14, 1908.
 W. PuakeaOctober 14, 1908.

Fourth Precinct.

E. M. Muller.....September 25, 1908.
 Henry KomomuaSeptember 25, 1908.
 P. K. Kaawa.....September 25, 1908.

Fifth Precinct.

Robert McWayneSeptember 25, 1908.
 P. KepilinoSeptember 25, 1908.
 Charles WaihinanoSeptember 25, 1908.

Sixth Precinct.

R. WassmanSeptember 25, 1908.
 David AhiaSeptember 25, 1908.
 Charley KaSeptember 25, 1908.

Seventh Precinct.

W. H. Greenwell.....September 25, 1908.
 George W. Smith.....September 25, 1908.
 S. P. Kapule.....October 14, 1908.

Eighth Precinct.

E. Kapa Kaaua.....September 25, 1908.
 George K. Apela.....September 25, 1908.
 Samuel K. Kaaialii.....September 25, 1908.

Ninth Precinct.

Joseph HoliOctober 25, 1908.
 D. L. K. Keliikuli.....October 25, 1908.
 R. W. Kalalauwale.....October 25, 1908.

Tenth Precinct.

F. C. Eaton.....October 14, 1908.
 J. L. K. Kawaha.....September 25, 1908.
 Joseph AndrewsSeptember 25, 1908.

Eleventh Precinct.

W. A. Schwallie.....September 25, 1908.
 J. K. Hoopii.....September 25, 1908.
 Luka KilaSeptember 25, 1908.

Third Representative District.**First Precinct.**

Albert K. Shaw.....October 31, 1908.
 Alfred K. Mia.....October 31, 1908.
 John NakiheiOctober 27, 1908.

Second Precinct.

R. C. Searle, Jr.....October 6, 1908.
 David TaylorOctober 6, 1908.
 Moses NahinaOctober 6, 1908.

Third Precinct.

H. McCubbinOctober 6, 1908.
 D. K. Kahalelio.....October 9, 1908.
 Sam KekuewaOctober 6, 1908.

Fourth Precinct.

William HoopiiOctober 6, 1908.
 P. D. Palena.....October 6, 1908.
 David KuamuOctober 6, 1908.

Fifth Precinct.

George B. Schraeder.....October 6, 1908.
 W. R. Boote.....October 6, 1908.
 Henry KailiehaOctober 6, 1908.

Sixth Precinct.

A. GrossOctober 6, 1908.
 Jos. M. Whitford.....October 6, 1908.
 H. K. KankaokaiOctober 6, 1908.

Seventh Precinct.

Dan QuillOctober 6, 1908.
 William WalshOctober 6, 1908.
 J. A. Hattie.....October 15, 1908.

Eighth Precinct.

A. GernerOctober 9, 1908.
 Kahi KenolioOctober 6, 1908.
 M. J. Moura.....October 6, 1908.

Ninth Precinct.

Guy S. Goodness.....October 6, 1908.
 P. W. Simeona, Jr.....October 6, 1908.
 George K. Kunakau.....October 6, 1908.

Tenth Precinct.

David MortonOctober 6, 1908.
 E. H. Kekapai.....October 6, 1908.
 George CoppOctober 6, 1908.

Eleventh Precinct.

Sam R. DowdleOctober 6, 1908.
 Alfred FurtadoOctober 6, 1908.
 Henry KahiamoeOctober 9, 1908.

Twelfth Precinct.

W. S. NicollOctober 6, 1908.
 P. N. Kahokuoluna.....October 6, 1908.
 B. HookoanaOctober 6, 1908.

Thirteenth Precinct.

Joseph EmmsleyOctober 6, 1908.
 Lei TaulaOctober 6, 1908.
 William SmytheOctober 6, 1908.

Fourteenth Precinct.

Horace KekumuOctober 6, 1908.
 Abel Ah You.....October 6, 1908.
 D. W. Napiha.....October 6, 1908.

Fifteenth Precinct.

C. J. AustinOctober 6, 1908.
 Henry ReuterOctober 6, 1908.
 D. K. Kahookele.....October 6, 1908.

Sixteenth Precinct.

George O. Cooper.....October 6, 1908.
 Joseph K. Keaonui.....October 6, 1908.
 J. M. Koko.....October 6, 1908.

Seventeenth Precinct.

S. K. Pupuhi.....October 6, 1908.
 E. K. Kamai.....October 15, 1908.
 P. M. Kaluna.....October 6, 1908.

Eighteenth Precinct.

J. P. Inaina.....October 6, 1908.
 Antone V. Marciel, Jr.....October 6, 1908.
 J. W. Naehu.....October 6, 1908.

Nineteenth Precinct.

J. KaalouahiOctober 26, 1908.
 Sol. K. KaalihikauaOctober 6, 1908.
 R. W. Kamakahi.....October 6, 1908.

Twentieth Precinct.

J. H. Mahoe.....October 6, 1908.
 M. K. Kaliikane.....October 6, 1908.
 S. K. Kekoowai.....October 6, 1908.

Twenty-first Precinct.

O. S. Meyer.....October 6, 1908.
 J. K. Nakeleawe.....October 6, 1908.
 N. S. Pahupu.....October 6, 1908.

Twenty-second Precinct.

Emil van Lil.....October 6, 1908.
 S. K. Maialoha.....October 6, 1908.
 A. J. Kauhahao.....October 6, 1908.

Fourth Representative District.

First Precinct.

A. F. Clark.....October 12, 1908.
 J. S. MarquesOctober 12, 1908.
 Ernest BellOctober 12, 1908.

Second Precinct.

J. H. Boyd.....October 12, 1908.
 S. K. Kamaiopili.....October 12, 1908.
 Paul Ke-aOctober 12, 1908.

Third Precinct.

Jason AndradeOctober 12, 1908.
 Daniel KalauawaOctober 12, 1908.
 Abraham KawaihoaOctober 12, 1908.

Fourth Precinct.

G. F. Bush.....October 12, 1908.
 P. H. BurnetteOctober 12, 1908.
 Peter HookanoOctober 12, 1908.

Fifth Precinct.

T. H. PetrieOctober 12, 1908.
 W. W. ChamberlainOctober 12, 1908.
 Julius AschOctober 13, 1908.

Sixth Precinct.

Job BatchelorOctober 12, 1908.
 J. K. PakeleOctober 12, 1908.
 Henry MeheulaOctober 12, 1908.

Seventh Precinct.

A. D. ScroggyOctober 12, 1908.
 Alfred KailiOctober 12, 1908.
 E. H. F. Wolter.....October 12, 1908.

Eighth Precinct.

H. P. Wood.....October 12, 1908.
 A. H. R. Vierra.....October 12, 1908.
 D. NahoolewaOctober 12, 1908.

Ninth Precinct.

John MarcallinoOctober 12, 1908.
 Robert D. King.....October 12, 1908.

Tenth Precinct.

H. L. Kerr.....October 12, 1908.
 J. B. Mossman.....October 12, 1908.
 O. L. Sorenson.....October 12, 1908.

Eleventh Precinct.

C. C. Chalmers.....October 12, 1908.
 Moses PipiOctober 12, 1908.
 A. IrvineOctober 14, 1908.

Fifth Representative District.**First Precinct.**

Noa MahukaOctober 23, 1908.
 George S. Kalahao.....October 12, 1908.
 John WatsonOctober 12, 1908.

Second Precinct.

C. H. Judd.....October 12, 1908.
 Moses AkawaOctober 12, 1908.
 J. K. Kukahiko.....October 12, 1908.

Third Precinct.

John AsingOctober 12, 1908.
 Joe KaahuOctober 12, 1908.
 David K. Kaapu.....October 12, 1908.

Fourth Precinct.

R. T. Christophersen.....October 27, 1908.
 A. KahananuiOctober 12, 1908.
 Sam PauloOctober 12, 1908.

Fifth Precinct.

Bertram G. Rivenburgh.....October 12, 1908.
 D. K. Kauwalu.....October 12, 1908.
 L. D. Kealiipio.....October 14, 1908.

Sixth Precinct.

D. K. Watson.....October 12, 1908.
 Kuhia HuiOctober 12, 1908.
 Kahiona PuleOctober 12, 1908.

Seventh Precinct.

P. A. Swift.....October 12, 1908.
 Victor KapuleOctober 12, 1908.
 D. KuhimanaOctober 12, 1908.

Eighth Precinct.

E. C. Smith.....October 12, 1908.
 Jacob WaikoloaOctober 12, 1908.
 John P. Keppeler.....October 23, 1908.

Ninth Precinct.

E. C. Winston.....October 12, 1908.
 Wm. KaaiOctober 12, 1908.
 Moses B. Punohu.....October 12, 1908.

Tenth Precinct.

George BarkerOctober 12, 1908.
 William Brede, Jr.....October 12, 1908.
 Isaac KaopuaOctober 14, 1908.

Eleventh Precinct.

Moreno K. Hulu.....October 12, 1908.
 Elisha J. M. McCandless.....October 12, 1908.
 S. W. Spencer.....October 12, 1908.

Twelfth Precinct.

L. A. Perry.....October 12, 1908.
 John C. Crowder.....October 17, 1908.
 Henry MakuaoleOctober 12, 1908.

Thirteenth Precinct.

A. Lewis, Jr.....October 12, 1908.
 M. C. Amana.....October 12, 1908.
 G. W. Pahu.....October 12, 1908.

Fourteenth Precinct.

Bernard H. Kelekolio.....October 12, 1908.
 Sam KaaloaOctober 12, 1908.
 John K. Notley.....October 12, 1908.

Fifteenth Precinct.

Ed. K. Kealoha.....October 12, 1908.
 Patrick GleasonOctober 12, 1908.
 Sylvester AkanaOctober 12, 1908.

Sixth Representative District.**First Precinct.**

John RennieSeptemuer 24, 1908.
 J. B. KaomeaSeptember 24, 1908.
 Luka KaopioSeptember 24, 1908.

Second Precinct.

G. HansenSeptember 24, 1908.
 Louis KilauanoSeptember 24, 1908.
 Moses KuaSeptember 24, 1908.

Third Precinct.

M. J. Pereira.....September 24, 1908.
 I. W. Kahaleanu.....September 24, 1908.
 Walter A. Wright.....September 24, 1908.

Fourth Precinct.

Guy RankinSeptember 24, 1908.
 H. N. Browne.....September 24, 1908.
 Solomon KealohaSeptember 24, 1908.

Fifth Precinct.

R. D. Moler.....September 24, 1908.
 Charles AkiSeptember 24, 1908.
 John KumanuwaiSeptember 24, 1908.

Sixth Precinct.

John W. Wilcox.....September 24, 1908.
 Henry MikaSeptember 24, 1908.
 Caesar JardinSeptember 24, 1908.

Seventh Precinct.

Charles MaserSeptember 24, 1908.
 J. P. Kaapuwai.....September 24, 1908.
 J. P. Alohihea.....September 24, 1908.

Eighth Precinct.

Charles B. Gray.....October 14, 1908.
 C. H. Kaaihue.....September 24, 1908.
 J. V. Ekekela.....October 14, 1908.

Ninth Precinct.

Robert ScottSeptember 24, 1908.
 Solomon BipikaneSeptember 24, 1908.
 Dan LovellSeptember 24, 1908.

Tenth Precinct.

E. G. K. Deverill.....September 24, 1908.
 Solomon MalunaSeptember 24, 1908.
 H. K. Kaneha.....October 14, 1908.

Senator McCarthy moved that the Message be referred to the Printing Committee and made the Special Order of the Day on Saturday, February 20th, 1909, at 11 o'clock in the morning. Seconded by Senator Brown and carried.

At 11:42 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Woods and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Senator Kalama presented the Report (No. 1) of the Committee on Rules as follows:

Honolulu, T. H., February 17, 1909.

Honorable W. O. Smith,

President of the Senate.

Sir:—Your Committee on Rules beg leave to report that it has considered the Rules adopted temporarily for the government of the Senate and find, that to meet existing conditions, the same should be adopted as the permanent Rules of the Senate with the following amendments:

1. Amend Rule 7 so as to read as follows:

“7”

OFFICERS.

(1) The officers of the Senate shall be: President, Vice-President, Clerk, Assistant Clerk, Chaplain, Sergeant-at-Arms, Messenger, and Janitor, who shall be elected by ballot, except the Assistant Clerk who shall be appointed by the Clerk subject to the approval of the President.

(2) The first four elective officers shall require a majority vote to elect; the others may be elected on a plurality vote.

(3) The officers shall hold their several positions during the pleasure of the Senate.

2. Amend Rule 18 so as to read as follows: add after Section 1 “excepting, however, the Ways and Means Committee, which shall consist of 5 members.”

3. Amend Rule 22 so as to read as follows:

“22”

STANDING COMMITTEES.

The Standing Committees shall be appointed at the opening of the session or as soon thereafter as possible; they shall be as follows:

- (1) Committee on Ways and Means;
- (2) Committee on Judiciary;
- (3) Committee on Military and Public Expenditures;
- (4) Committee on Public Lands, Internal Improvements and Agriculture, etc.;

- (5) Committee on Public Health;
 - (6) Committee on Education;
 - (7) Committee on Enrollment, Revision and Printing;
 - (8) Committee on Accounts;
 - (9) Committee on Rules.
4. Amend Rule 25 so as to read as follows:

“25”

MILITARY AND PUBLIC EXPENDITURES COMMITTEE.

It shall be the duty of the Committee on Military and Public Expenditures to take into consideration all such laws and all such propositions and reports relative to military matters and to examine the expenditures of the different departments of the territory and to report from time to time their opinions thereon, to examine into the state of the several public departments and particularly into laws making appropriations of money and to report whether the monies have been disbursed conformably with these laws and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.

5. Amend Rules 29 and 30 combining the two into one so as to read as follows:

“29”

ENROLLMENT, REVISION AND PRINTING COMMITTEE.

It shall be the duty of the Committee on Enrollment, Revision and Printing to have all bills printed that are so ordered, and also to procure by tender or contract, if possible, all printing required by the Senate, to see that such printing is properly done, that the Senate is supplied with all the necessary printed matter under supervision of the Committee on Accounts, and to employ proof readers; to see that all bills after engrossing or typewriting and before final passage of the same and of other matters requiring the signature of the President, are correct and true, and that they are the same as finally acted on by the Senate, and after the final action, shall see that the copy to be presented to the Secretary corresponds with that finally passed by the Senate; and to do and perform all such matters and things relative thereto as the Senate may from time to time direct.

6. Strike out Rule 33.
7. Amend figure 31 to read “30”.

8. Amend all the figures denoting the order of the rules thereafter (from Rule 30 as amended) to the end.

Respectfully submitted,

S. E. KALAMA,
Chairman, Committee on Rules and Joint Rules.

ERIC A. KNUDSEN,
Member.

DAVID K. BAKER,
Member.

At 2:07 o'clock a Message (No. 3) from the Governor, submitting estimates for further appropriations out of the general revenues of the Territory for the current fiscal period, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,
Executive Chamber,

Honolulu, February 17, 1909.

To the Legislature:

I have the honor to submit herewith for your consideration estimates for further appropriations out of the general revenues of the Territory for the current fiscal period.

These are separated into unpaid bills incurred during the last biennial fiscal period, ending June 30, 1907, and additional requirements for the current period ending June 30, 1909.

The vouchers for the unpaid bills of all departments have been collected and are retained in the executive chamber for convenience in examination by your honorable body.

I take pleasure in calling to your attention the fact that the amounts for unpaid bills incurred during previous periods have steadily diminished, as shown by the following statement of all such appropriations made since the appropriations for unpaid bills for the previous period have been segregated from those for further requirements for the current period:

UNPAID BILLS.

Session of 1904.....	\$20,665.95
Session of 1905.....	18,364.19
Session of 1907.....	16,828.62
Submitted for session of 1909.....	2,263.49

I will submit at an early date estimates for the ensuing period ending June 30, 1911.

WALTER F. FREAR,
Governor of Hawaii.

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE PAYMENT OF CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII INCURRED DURING THE BIENNIAL PERIOD ENDING THE THIRTIETH DAY OF JUNE, A. D. 1907.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sums of money, amounting to the sum of Two Thousand One Hundred Seventy-five Dollars and Ninety-nine Cents (\$2,175.99), are hereby appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory for the settlement of the following claims against the Territory, incurred during the biennial period ending the thirtieth day of June, A. D. 1907:

SECRETARY OF HAWAII.

June 15, 1907, Maui News Co., Bill.....	\$ 72.00
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ATTORNEY GENERAL.

April 8, 1905, John A. Palmer, Bill.....	54.00
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BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY.

May 31, 1907, Hawaii Herald Co., Bill.....	\$ 10.00
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DEPARTMENT OF PUBLIC WORKS.

May 17, 1907, Hopp & Co., Bill.....	\$ 6.76	
June 17, 1907, T. H. Davies & Co., Bill.....	63.00	
Nov. 6, 1906, I. I. S. N. Co., Bill.....	.25	
Feb. 9, 1907, I. I. S. N. Co., Bill.....	13.76	
May 15, 1907 do	13.75	
Jan. 18, 1907, T. H. Davies & Co., Bill.....	221.65	
Mar. 26, 1907, E. O. Hall & Son, Bill.....	111.00	
Apr. 15, 1907, Honolulu Iron Works, Bill....	665.37	
May 29, 1907, do	120.00	
June 10, 1907, T. H. Davies & Co., Bill.....	12.25	
June 26, 1907, H. R. T. & L. Co., Bill.....	3.14	
May 31, 1907, E. W. Quinn, Bill.....	4.00	
June 14, 1907, C. H. Jennings & Co., Bill....	5.66	
June, 1907, W. J. Moody, Bill.....	7.50	
June 31, 1907, H. Hackfeld & Co., Bill.....	45.00	
1905, Dickey & Newcombe, Bill....	275.00	1,568.08

DEPARTMENT OF PUBLIC INSTRUCTION.

June, 1907, Kalihi Poi Factory, Bill.....	\$ 12.00	
June, 1907, Metropolitan Meat Co., Bill....	36.53	48.53

BOARD OF HEALTH.

June 30, 1907, A. B. Arleigh, Bill.....	\$ 20.15	
June 30, 1907, Metropolitan Meat Co., Bill..	13.65	
May 31, 1907, von Hamm-Young Co., Bill....	6.80	
June 30, 1907, Hawaiian Electric Co., Bill..	1.25	
June 30, 1907, von Hamm-Young Co., Bill...	3.00	
Dec. 4, 1906, Hawn. Carriage Mfg. Co., Bill.	4.50	
Jan. 14, 1907, do	.50	
Jan. 15, 1907, do	1.00	
Feb. 19, 1907, do	1.50	
Feb. 27, 1907, do	1.50	
Mar. 9, 1907, do	2.00	
Mar. 20, 1907, do	8.75	
Mar. 5, 1907, Wilder & Co., Bill.....	133.32	
Apr. 16, 1907, W. O. Barnhart & Co., Bill....	3.00	
Mar. 31, 1907, Lewers & Cooke, Bill.....	24.50	
Mar. 5, 1907, Hawn. Carriage Mfg. Co., Bill.	28.00	
June 30, 1907, Sanitary Steam Laundry, Bill	41.00	
May 21, 1907, von Hamm-Young Co., Bill....	15.00	
May 18, 1907, Stanley Stephenson, Bill.....	41.00	
June 30, 1907, J. H. Craig, Bill.....	56.21	
Aug. 31, 1906, J. A. Camara, Bill.....	2.00	
Jan. 11, 1907, do	3.50	
Dec. 31, 1906, Hawn. Carriage Mfg. Co., Bill	.25	
Mar. 28, 1907, do	5.50	
Mar. 25, 1907, do	3.00	
Dec. 31, 1907, do	2.50	\$ 423.38
Total		\$2,175.99

Section 2. The Auditor shall not issue warrants in payment of the above claims unless receipts in full are filed therefor, and same are approved by the head of the department under which the items are inserted.

Section 3. This appropriation shall lapse on the thirtieth day of June, A. D. 1909.

Section 4. This Act shall be in effect from the date of its approval.

AN ACT

MAKING ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENTAL USE OF THE TERRITORY FOR THE BIENNIAL PERIOD ENDING THE THIRTIETH DAY OF JUNE, A. D. 1909.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sums of money, amounting to Seventy-nine Thousand Five Hundred Sixty-four Dollars and Seventy-nine Cents (\$79,564.79), are hereby appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory for the current expenses of the departments and pay of employees for the biennial period ending the thirtieth day of June, A. D. 1909:

TREASURY DEPARTMENT.

Interest on Public Debt, Commissioners and Expenses	\$11,000.00
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COMMISSIONER OF PUBLIC LANDS.

Incidentals and General Expense	3,000.00
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SUPERINTENDENT OF PUBLIC WORKS.

Completion of Makiki Reservoir	\$ 1,343.65	
Running expenses, maintenance and extension, Lahaina Water Works	215.00	
Expenses, Pilots, Honolulu	180.00	
Landings and Wharves, Honolulu	8,000.00	
General Expenses	1,500.00	
Running Expenses and maintenance Honolulu Water Works	16,400.00	
Honolulu Water Works, General, Completion of 30" pipe line	2,613.91	
Educational Buildings, Oahu	421.00	
Extension Kamuela Water Works, Hawaii	62.25	\$30,735.81

DEPARTMENT OF PUBLIC INSTRUCTION.

Furniture and Fixtures	\$ 500.00	
Industrial and Manual Training	325.00	
Book and Library Fund	200.00	
School Supplies	500.00	
Support, Boys' Industrial School	3,500.00	
Furniture, Hilo High School	353.98	
Repairs and Maintenance, School property, including janitor service, all schools . .	3,500.00	
Waialea Sewer System	1,500.00	
Purchase, Keaouhou Cottage	1,050.00	11,428.98

BOARD OF HEALTH.

Segregation and Care of Lepers.....	\$12,000.00	
Quarantine, Fumigation, Disinfectants, Medical Service, Suppression of Con- tagious Diseases, and Apparatus.....	5,000.00	
Furniture and Maintenance, Boys' Home, Kalihi	4,000.00	
Rat Campaign, Honolulu.....	1,900.00	
Mosquito Campaign, Honolulu.....	500.00	23,400.00
		<hr/>
		\$79,5644.79

Section 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditures of any money from the Treasury to be hereafter accounted for to the Legislature by indemnity bill, is hereby expressly prohibited.

Section 3. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars. (District Magistrates shall have jurisdiction in all cases under this section.)

Section 4. No expenditure of Public Money for the construction or repair of Public Works, where the sum to be expended shall amount to Five Hundred Dollars (\$500.00) or more, or for the purchase of materials, provisions or other supplies for Public Purposes amounting in the aggregate to Five Hundred Dollars (\$500.00) or more, shall be made, except by contract after Public Advertisement for Sealed Tenders; and no public work or the purchase of material, provisions or supplies for public purposes shall be so divided or parcelled out as to defeat or evade the provisions of this Section.

Section 5. All agreements or contracts made and entered into by any officer of the Territory of Hawaii, by or under which Public Money is to be expended shall be void and of no effect unless the Auditor shall endorse thereon his certificate that there remains, unexpended and unapplied, a balance in the Fund or Appropriation already made for such purpose, sufficient to cover the amount involved in such Contract or Agreement.

Section 6. This Act shall be in effect from the date of its approval.

Senator Quinn moved that the Message (No. 3) of the Governor be received and that further action be deferred. Seconded by Senator McCarthy and carried.

Senator Woods moved that the Report (No. 1) of the Committee on Rules be considered rule by rule. Seconded by Senator Kalama and carried.

Rule 7. Senator Harvey moved to strike out the words "subject to the approval of the President" as recommended by the Committee at the end of sub-division (1) thereof. Seconded by Senator McCarthy.

Senator Makekau moved to strike out the word "President" and insert in lieu thereof the word "senate". Seconded by Senator Brown.

Senator Makekau withdrew his motion, and the motion of Senator Harvey, being put, carried.

Senator Knudsen moved to strike out the word "four" in the first line of sub-division (2) of the same rule, and insert in lieu thereof the word "three": Seconded by Senator Fairchild and carried.

Senator Knudsen moved that Rule 7 as amended be adopted. Seconded by Senator Coelho and carried.

Senator McCarthy moved to amend Rule 18 as amended by the Committee by adding the words "two from the City and County of Honolulu, and one each from the other Counties". Seconded by Senator Moore.

Senator Coelho moved as an amendment to add the words "two from the Third Senatorial District, and one from each of the other Senatorial Districts". Seconded by Senator McCarthy and carried.

Senator McCarthy moved that Rule 18 as amended be adopted. Seconded by Senator Woods and carried.

Rule 22. Senator McCarthy moved that the amendment proposed by the Committee be adopted. Seconded by Senator Coelho and carried.

Rule 25. Senator Knudsen moved to adopt the recommendation of the Committee. Seconded by Senator Coelho and carried.

Rule 29. Senator Knudsen moved that the recommendation of the Committee be adopted. Seconded by Senator Coelho and carried.

Rule 33. Senator Knudsen moved that the recommendation of the Committee be adopted. Seconded by Senator Coelho and carried.

Rule 31. Senator Coelho moved that the recommendation of the Committee be adopted. Seconded by Senator Brown and carried.

Senator Coelho moved that all the figures denoting the order of the rules thereafter (from Rule 30 as amended) be amended as recommended by the Committee. Seconded by Senator Kalama and carried.

Senator McCarthy moved that the Temporary Rules as amended by the Senate be adopted as the Rules of the Senate, Session of 1909. Seconded by Senator Woods and carried.

A Communication (No. 1) from J. W. Jones, Adjutant General, Hawaii, inviting the members of the Senate to be present at the annual inspection of the National Guard of Hawaii, to be held on Sunday, February 21st, 1909, was read by the Clerk as follows:

NATIONAL GUARD OF HAWAII.

The President

and Members of the Senate,

Territory of Hawaii.

Gentlemen:—I have the honor to invite you to be present at the annual inspection of the National Guard of Hawaii to be held on Sunday, February 21, 1909, at Moanalua.

Major Samuel W. Dunning, 20th U. S. Infantry, has set the hour of inspection at 10 a. m.

Respectfully,

J. W. JONES,

Adjutant General Hawaii.

Senator Woods moved that the Communication be received with thanks and placed on file. Seconded by Senator Quinn and carried.

A Communication (No. 2) from J. H. Fisher, Auditor, submitting claims under the terms of Senate Resolution No. 45, adopted May 1st, 1907, was read by the Clerk as follows:

Honolulu, February 17, 1909.

To the Members of the Senate
of the Territory of Hawaii.

In pursuance of the terms of Senate Resolution No. 45, adopted May 1, 1907, I herewith submit the following claims,

1. For refund of money paid for merchandise licenses after
June 14, 1900:

Chang Hong Kee	W. F. Reynolds, Atty.....	\$ 50.00
Young Hee	"	50.00
Hang Fong	"	50.00
D. Wada	"	50.00
Sam Wo Jan & Co.	"	50.00
Hing Lee Chan & Co.	"	50.00
K. Ishoshima	"	50.00
Sang On Kee	"	50.00
J. Fujii	"	50.00
K. Oda	"	50.00
Fugitani	"	50.00
Wo Chong	"	50.00
C. Akau	"	50.00
Kim Kai	"	50.00
S. Ozaki	"	50.00
Kikoyoshi Kimsuki	"	50.00
P. McInerny	"	50.00
Apo	"	50.00
Ah Young	"	50.00
Thos. Lindsay	"	50.00
Yee Lai	"	50.00
J. J. Drummond	"	50.00
Kosonoki	"	50.00
Kwong Chang Tai	"	50.00
Wo Chan Co	"	50.00
N. J. Lewis	"	50.00
Chong Kim On	"	50.00
Yiek Sing	"	50.00
Man Yiek Co.	"	50.00
Chu Kee	"	50.00
Kai Din	"	50.00
Wing Wo Chan Co.	"	157.50
Joe Vierra	"	50.00
E. Sumino	"	50.00
Sing Lee Chan	"	50.00
H. Hirano	"	50.00
Yau Lee	"	50.00
Hoo Chee Kee	"	50.00
C. Akau	"	50.00
Goo Tong Long	"	50.00
One Kichido	"	50.00
Fook Sau Tong	"	50.00
Yee Shun Kee	"	50.00
Sow Chien	"	50.00

L. Aleong	"	50.00
Tong Kee Co.	"	50.00
Po Sing Tong Co.	"	50.00
Aiona	"	50.00
Lum Leong	"	50.00
M. V. Holmes	"	50.00
Quong Lim Chong	"	50.00
Fung Ching	"	50.00
M. Kawahara	"	50.00
Sakamoto Majujiro	"	50.00
Sing Wo Co.	"	50.00
Ah Hoi	"	50.00
Hing Chong	"	50.00
Kwong Tai Loy	"	50.00
Lam Lack Kee	"	50.00
Chu Ho Tong	"	50.00
Chow Yuen	"	50.00
E. N. Holmes	"	121.53
Kwong Hong Yuen Co.	"	50.00
Yee Em Kee	"	50.00
Chong Kee	"	50.00
Wo Sing Co.	"	50.00
Takajiro Ito	"	50.00
Sing Chan Co.	"	50.00
King Tai	"	50.00
Soi Chong	"	50.00
S. Ozaki	"	50.00
Foo Chee	"	50.00
Fong San Yuen Co.	"	50.00
L. B. Kerr & Co., Ltd.	"	274.81
L. B. Kerr & Co., Ltd.	"	50.00
Fugimoto Torazo	"	50.00
Hop Lung	"	50.00
Bow Chong Chan	"	50.00
Wing Sing Wo	"	50.00
Kwong Yuen Hing Co.	"	75.00
J. S. Marques	"	50.00
Wong How	"	50.00
Kau Tsun Lung	"	50.00
Tanaka	"	50.00
Man Yuen Co.	"	50.00
M. R. Counter	"	50.00
K. Odo	"	50.00
Hop Hing Co.	"	117.00
C. Akau	"	50.00
J. J. Souza	"	50.00
M. Figureda	"	50.00

C. Ah Yett	"	50.00
Chu Wo Tong Co.	"	50.00
H. Kakimoto	"	50.00
M. G. Simoes	"	50.00
J. Miguel	"	50.00
W. Motoshige	"	50.00
W. H. Kailiwai	"	50.00
Lee Yun Kwai	"	50.00
Aiona	"	50.00
Ah Wai	"	50.00
Hui Lokahi Store	"	50.00
Sam Yuen & Co.	"	50.00
Lee Kee	"	50.00
Lin Hop Chan Co.	"	50.00
M. Murakami	"	50.00
J. Lando	"	50.00
J. S. Mills	"	50.00
Quni	"	150.00
M. Chiya	"	50.00
Hawaiian Trading Co.	"	50.00
F. Aneiro	"	50.00
Antone Borba	"	50.00
Y. C. Ah Sam	"	50.00
Sam Kee Jan & Co.	"	50.00
A. F. Centeio	"	50.00
Kwong Chong Kee	"	50.00
Yabasuki Itaro	"	50.00
Hamo Store	"	50.00
Lam Hoo	"	50.00
C. B. Hofgaard & Co.	"	272.50
On Tai & Co.	"	50.00
Tam Pong	"	50.00
Chang Kee	"	50.00
Yee Chong Kee	"	50.00
Kwong Yuen Hing Co.	"	50.00
Y. Y. Hirose	"	50.00
Y. Kashinoki	"	50.00
Fow Kee	"	50.00
Dong Young Kee	"	50.00
C. Eon	"	50.00
Kwong Lee Yuen & Co.	"	86.25
Pung En Fui	"	50.00
B. Bergerson	"	50.00
B. Bergerson	"	50.00
M. Souza	"	50.00
Sung Tung Sang	"	50.00

W. Tai You	"	50.00
M. R. Matsumoto	"	50.00
Kwong Sing	"	50.00
Hoop On	"	50.00
Joao Moniz	"	50.00
Sheu Chong	"	50.00
Lun Chong Co.	"	50.00
Chang Tai Hong	"	50.00
C. T. Amana	"	50.00
Poy Yuen Tong	"	50.00
E. O. Hall & Son. Ltd	"	1,264.32
W. W. Wright & Co., Ltd.	"	50.00
Hyman Bros.	I. Rubinstein, Atty.	644.06
Hart & Co.	von Hamm-Young Co.	50.00
von Hamm-Young		598.60
J. Goldstein		50.00
M. W. McChesney & Sons		730.90
Manufacturers' Shoe Co.		191.67
Henry May & Co.		985.76
W. W. Dimond & Co.		329.50
Hoffschlaeger & Co.		398.40
		<hr/>
		\$13,527.80

II. Claims against the County of Maui for supplies and for services rendered between January 4th and 14th (both inclusive), 1904:

Supervisors.

No.		
1.	T. B. Lyons	\$ 50.00
4.	C. L. Kookoo	50.00
5.	G. B. Kauimakaole	50.00
7.	J. K. Hihio	50.00
8.	W. H. Cornwell	50.00
		<hr/>
		\$ 250.00

Incidentals Board of Supervisors.

20.	P. E. Kamana	\$ 2.90
52.	Bismark Stables	8.00
58.	T. B. Lyons	25.00
59.	T. B. Lyons	2.00
60.	Maui Telephone Co.	5.00
		<hr/>
		42.90

Salary Heads of Departments.

2.	D. H. Kahaulilio	\$150.00	
3.	L. R. Crook	200.00	
4.	D. K. Kahaulilio	166.65	
9.	John Richardson	150.00	
10.	P. Cockett	150.00	
11.	J. K. Kahookele	33.35	850.00

Salary Deputies Heads of Departments.

13.	J. Garcia	\$ 33.35	
14.	Geo. Kauaimakaole	10.00	
15.	Jno. Kauai	10.00	
16.	A. Garcia	25.00	
17.	A. G. Dickins	33.35	
38.	D. Morton	33.35	145.05

County Building.

18.	Lee Hop	\$172.95	
19.	A. B. Naone	27.00	
47.	A. N. Kepoikai	100.00	299.95

District Magistrates.

31.	Thomas Clark	\$ 33.35	
32.	E. H. Kekapai	27.75	
33.	G. P. Wailehua	20.00	
34.	J. Ahulii, Jr.	10.00	
35.	Edw. Wilcox	10.00	
37.	J. H. Mahoe	13.35	114.45

Sheriff's Department.

12.	William White	\$116.65	
29.	W. R. Boote	33.35	
42.	A. K. Forsyth	27.75	
43.	C. B. Cockett	27.75	
44.	W. L. Mossman	20.00	
45.	P. M. Kaluna	13.35	
46.	Jas. N. Uahinui	18.35	307.29

Pay of Police.

21.	Makawao	\$ 94.90	
22.	Lahaina	150.10	
23.	Hana	103.40	
24.	Molokai	61.65	
25.	Wailuku	238.45	
26.	Wailuku	121.65	770.15

Incidentals, Sheriff's Office.

49. John de Rego	\$ 3.00	
50. A. J. Rodrigues	1.60	
51. Bismark Stables	15.00	
56. Nakamura Stables	10.00	29.60

Support of Prisoners.**Lahaina.**

41. Ah Nee	\$ 3.00	
61. Plantation Market .....	.51	
63. Goo Lip	1.90	
64. G. G. Seong	4.80	10.21

Wailuku.

48. Lee Hop	\$ 2.25	
53. A. J. Rodrigues	20.25	
54. Manuel Dutro	9.50	
55. Waiohuli Market	20.22	
57. Hoffman and Weight	16.75	
62. J. P. Silva	18.00	86.97

Salary Road Supervisors.

28. Geo. Groves	\$ 20.00	
29. George Kauhi	16.65	
30. J. K. Kaupu	11.65	
39. Solomon Hale	20.00	68.30

Road Tax, Special Deposit.

1. W. Olesen and F. Rose	\$ 19.00	
2. Hoffman and Weight	7.50	
3. Piipii Kaai	10.00	\$ 36.50

Total\$3,011.08

Note.—All of the above County of Maui claims are referred to and listed by "warrant numbers" and are appended hereto.

III. Board of Registration for the Third Representative District for the year 1904:

Samuel Kapu	\$105.00	
George Weight	105.00	
W. F. Crockett	105.00	\$ 315.00

IV. Board of Registration for the Third Representative District for the year 1906:

S. E. Kaiue	\$ 70.00	
George Weight	70.00	
W. F. Crockett	70.00	210.00

Department of the Attorney General.

V. For "Expenses of Witnesses" in criminal cases during the October, 1905, term and March and June terms, 1906, of the Second Circuit Court:

1. E. Kishida	\$ 2.00	
2. Bismark Stables (J. Dow)	12.00	
3. Iao Stables	52.00	
4. Hung Chong	13.80	
5. Chang Chan	4.00	
6. Takahashi Toyomotsuki	19.50	
7. M. Shimamura	16.50	
8. George Hawley	6.50	
9. Maui Stables	4.50	
10. A. Fernandez, Jr.	108.00	
11. A. Fernandez, Jr.	7.00	
12. Owedo Ichitoro	7.50	
13. Bismark Stables	30.00	
14. Ishimaru Hotel	4.50	
15. Levi Mahiai	32.50	
16. S. Yamanaka	4.50	\$ 324.80
		<hr/>
D. H. Case		62.75
		<hr/>
		\$ 387.55

The total of the above claims amounting to Seventeen Thousand Four Hundred and Fifty-One Dollars and Forty-three Cents as per the following summary:

I	\$13,527.80	
II	3,011.08	
III	315.00	
IV	210.00	
V	387.55	\$17,451.43

Yours very respectfully,

J. H. FISHER,

Auditor, Territory of Hawaii.

Senator Knudsen moved that the Communication be received and referred to the Ways and Means Committee. Seconded by Senator Coelho and carried.

A Communication (No. 1) from Wm. Fred Kaae, County Clerk, County of Maui, reporting for the period ending January 4th, 1909, was read by the Clerk as follows:

Wailuku, Maui, February 16, 1909.

To the Honorable President
and Members of the Senate
of the Territory of Hawaii.

Gentlemen:—I have the honor to report for the period ending January 4, 1909, the Board of Supervisors of the County of Maui, Territory of Hawaii, held 33 meetings; received 21 petitions for public improvements of various kinds; considered 369 communications of public nature; offered and adopted 1,923 resolutions concerning the allowance of accounts against the County; offered and adopted 218 resolutions bearing on matters other than expenditure of County funds; received and adopted 110 reports from the various heads of departments under the County; received 55 bids under 81 lettings for the award of contracts for public work; entered into 12 contracts for work of public improvements; has approved 31 bonds, same being for County Officers, County appointees and for contracts awarded for public improvements; have approved for the passage of 6 ordinances relative to roads and police regulations.

In closing, I wish to state that the work of this Department has been materially aided by the hearty cooperation of the Board of Supervisors and the various heads of departments of the County Government, for which I desire to express my thanks.

Respectfully submitted,

WM. FRED KAAE,
County Clerk, County of Maui.

APPENDIX.

Appended hereto are copies of the reports of the County Treasurer, County Auditor and County Engineer, which I trust will be found of use to your Honorable Body.

REPORT OF THE COUNTY ENGINEER CONCERNING
THE SURVEY, CONSTRUCTION, IMPROVEMENT
AND MAINTENANCE OF THE PUBLIC HIGHWAYS,
BRIDGES AND OTHER PUBLIC IMPROVEMENTS OF
THE COUNTY OF MAUI FOR THE TWO YEARS END-
ING DECEMBER 31, 1908.

To the Honorable, the Board of Supervisors,
of the County of Maui, Territory of Hawaii.

Gentlemen:—Pursuant to your request, I take pleasure in submitting herewith a report for the biennial period just closed, on the various matters of road and bridge work and other improvements undertaken by the County of Maui.

Owing to the fact that the system of management of roads and bridges has been twice changed during the period, I am indebted to the Road Overseers of the various districts of the County for most of the information concerning the item of maintenance, or up-keep of roads and bridges, and to some extent, especially in the outlying districts, for details of what can be classed as permanent improvements.

As each Supervisor has already been supplied with reports covering all details, it is considered best to confine this report to a summary, as concise as possible, of the various classes of work in each district.

MAKAWAO DISTRICT.

PERMANENT IMPROVEMENTS.

1. Relocation and reconstruction of 7 different sections of road to reduce steep grades to 5% and 6% (mostly 5%); total length regarded $6\frac{1}{4}$ miles.

2. Reinforced Concrete Bridge at Waikina, 20 ft. span.

3. 50-ft. wooden truss bridge at Kakipi.

4. 300 lineal feet concrete pipe drain, 18" to 24" dia.

5. Wooden Trestle Bridge, Holawa, 3 20-ft. spans.

6. Improving "clay" roads with sand or gravel, $1\frac{1}{2}$ miles.

7. Fencing newly reggraded roads, total length, 5 miles.

Total expenditure for Permanent Improvements, including pro rata cost of animals (care and feed), superintendence, wear and tear of tools, implements, etc.\$27,705.00

Total cost of maintenance of approximately 200 miles
of road 33,896.79

Total expenditure roads, 2 years.....\$61,601.79

Maintenance cost per mile per year, approx. \$84.00.

SENATE JOURNAL.

HANA DISTRICT.

PERMANENT IMPROVEMENTS.

1. Regrading from Kaeleku to Hana.
2. Regrading and building bridge at Waianu.
3. Cutting down various small, but steep, hills in the district.
Total length of grading, approx. $2\frac{1}{2}$ miles.
4. Replacing 16 old and rotten wooden bridges with new ones, length of bridges from 16 feet to 100 feet, in many cases erecting concrete piers in the middle to replace trusses. These can all be classed in whole or in part as permanent improvements.

Total cost of Permanent Improvements.....\$14,344.55

Total cost of maintenance, 2 years..... 14,844.94

Total expenditure, Roads and Bridges.....\$29,189.49

MOLOKAI DISTRICT.

PERMANENT IMPROVEMENTS.

1. Regrading Kalae Section, Kawela Section, Honoulimaloo and at Kamalo, total length, approx. 5700 feet.
2. Building 3 new bridges.

Total cost of Permanent Improvements.....\$ 3,542.20

Total cost of maintenance, 2 years..... 8,088.80

Total expenditure for roads and bridges.....\$11,631.00

Approx. total mileage of roads, 52.

Approx. cost of maintenance per mile per year, \$77.77.

LAHAINA DISTRICT.

PERMANENT IMPROVEMENTS.

1. Relocation and regrading, three sections of road, one to reduce steep grade to 5%, and two to get on higher ground to avoid damage from water, total length, 16,000 ft.
2. Macadamizing, 5,000 feet.
3. Dressing with gravel, 27,920 feet.
4. Treating graveled road with crude oil, 1800 feet.
5. Making and laying concrete drain pipes, 18" to 24" in diameter, total length, 150 feet.
6. Five new bridges, 20 to 30 foot span.
7. One concrete culvert (reinforced), and several small wooden ones.

Total cost of new work	\$30,247.25
(Permanent Improvements)	
Total cost of maintenance, 2 years.....	20,006.43
	<hr/>
Total expenditure for roads and bridges.....	\$50,253.68
No. of miles of road to maintain, approx. 60.	
Cost per mile per year to maintain them, \$166.76.	

WAILUKU DISTRICT.

PERMANENT IMPROVEMENTS.

1. Macadamizing streets of Kahului and Wailuku, total length completed average 20 feet wide, 13,010 feet.	
2. Graveling Waikapu-Maalaea road, length completed, 16,000 feet.	
3. Two Concrete Bridges (reinforced), Kahului.	
4. Six Concrete Culverts.	
5. Four new wooden bridges.	
6. 300 running feet concrete pipe culvert.	
7. New Iao road and survey extension.	
8. Purchase of Rock Crusher, Gas Engine, Gasoline Hoist, Dumping Cars, Spreading Wagons, Road Grader, Traction Engine, Track Equipment, etc.; housing for same, platforms, bins, etc., etc.	
9. Wooden Curbing for Wailuku Streets, 1 mile.	
Total Cost of Permanent Improvements.....	\$36,788.47
Total cost of maintenance, 2 years	35,220.19
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Total expenditure, 2 years.....	\$72,008.66
Ninety-six miles of road to maintain.	

MILE POSTS.

This is, of course, entirely in the nature of a permanent improvement, and the cost of maintenance will be trivial; 350 miles were measured, along the principal roads, and an accurate record kept of the distance of every easily identified point along the roads, in addition to setting 282 mile posts on the most important roads, starting at zero at the Court Houses of Maui and Molokai. All of the posts are of reinforced concrete with the exception of 36, which were made of wood to save difficulty in transportation over horse trails. Also, 25 sign posts were set at practically every intersection or junction of the country roads. The cost was \$1,767.44

WAILUKU TOWN HALL.

As a result of negotiations had with the Superintendent of Public Works and this Department, the old Court House Building was turned over to the County of Maui, in consideration of the assistance rendered to the Territorial Government by the County in improving the grounds about the new Court House and the County Building. Also, a conference had with the Trustees of the Kaahumanu Church resulted in the execution by them of a lease to the County without rental, of the whole of the unoccupied lot across the street from the new Court House for a Park and Town Hall site, and the old Court House has been moved there and converted into a very suitable hall for public meetings, equipped with a fairly commodious stage, etc., etc., at a cost of \$2,070.60.

SURVEY PROPOSED KULA PIPE LINE.

Owing to the lack of sufficient appropriation in the Territorial Department of the Public Works, your County Engineer was given authorization by your Honorable Body to make the surveys necessary for acquiring data upon which to base an intelligent estimate of the scope and the cost of the project, to assist the Public Works Department in presenting the matter to the coming Legislature. The survey was duly made, and results forwarded to the Superintendent of Public Works as directed. The cost of the survey was \$1,033.90. It is hoped that the appropriation, if secured, will carry with it the provision to refund this amount to the County of Maui.

ENGINEERING AND SURVEY WORK.

Nearly all of the relocations mentioned herein, excepting minor ones that were short and of obvious determination by intelligent foremen, were based upon surveys, plans and specifications made by this Department. There were 29 different relocations so surveyed and planned, aggregating a length of a little over 30 miles. All were constructed under the supervision of this Department, with the exception of the so-called "Pineapple Road," and a portion of the Belt Road System that it was intended to build under the attempted Maui County Loan.

In addition, transit surveys were made for descriptions for exchange deeds for the old and new roads in 10 different cases, the execution of which deeds is still pending.

Street lines have been laid out, in Wailuku and Kahului, which have been approved by the Board and established.

Various surveys have been made by this Department for County Stable Lots, plans made for stables and other buildings, all of which have been presented to you and have been approved.

In conclusion, as an appointive officer of this Honorable Board, I wish to express my appreciation of the uniform courtesy which you have extended me, and to congratulate you on the established fact that County Government is no longer in the experimental stage, but that it is, in this our County of "Maui no ka oi" at least, an unqualified success, and that the major portion of the credit is due to you.

Respectfully submitted,

HUGH HOWELL,

County Engineer, County of Maui, T. H.

REPORT OF THE AUDITOR SHOWING THE RECEIPTS
AND EXPENDITURES OF THE COUNTY OF MAUI
FOR THE YEARS 1907 AND 1908, AND UP TO AND
INCLUDING SEVERAL PAYMENTS TO JANUARY
4th, 1909.

RECEIPTS.	1907	1908
Cash balance from previous years....	\$ 17,096.97	\$ 28,567.25
Road Department, Wailuku	1,236.59	513.96
Road Department, Lahaina	390.50	397.50
Road Department, Makawao	55.00	150.00
Road Department, Hana	6.00	13.50
County Clerk's Office—		
Nomination Fees		775.00
Impounding Estrays		4.60
Forfeit on Contract Bids.....	50.00	
Chauffeurs' Licenses	57.00	78.00
County Sheriff's Office—		
Fees Registration of Motor Cars....	9.00	5.00
Cloth, Police Uniforms		381.00
County Treasurer's Office—		
Fees for Hunting Permits.....	470.00	375.00
County Auditor's Office—		
Treasury Warrants Refunded		4.00
County Engineer's Office—		
Refund on Jail Building	315.41	
Refund New Iao Road Contract.....	1,572.85	
Map of Kahakuloa	3.00	

Income provided by law—		
Road Tax, Lahaina	3,036.00	3,335.00
Road Tax, Wailuku	7,347.00	8,631.00
Road Tax, Hana	1,764.00	1,685.00
Road Tax, Makawao	5,841.00	5,748.00
Road Tax, Molokai	438.00	334.00
Territory of Hawaii, 50% Licenses....	9,237.24	13,651.68
Territory of Hawaii, 50% Taxes.....	138,870.72	149,580.26
	<hr/>	<hr/>
	\$187,823.28	\$214,229.75

EXPENDITURES.

Salary Supervisors	3,000.00	3,012.90
Incidentals Supervisors	992.50	1,794.83
Bonds County Officers.....	472.50	99.16
Town Clock, Wailuku.....	60.00	60.00
Furniture and Office Supplies.....	1,906.32	1,178.24
Telephone and Wireless.....	1,859.00	1,895.90
Office Rent	400.00	187.50
Examination Chauffeurs	67.50	65.00
Support and Maintenance of Indigents	359.45	229.25
Election Expenses		616.48
County Building	1,028.67	.....
Fire Department, Wailuku.....	300.46	224.65
Lahaina Fire Department.....	559.45	.....
		1907
General Improvements		57.82
Hack and Sanitary Inspectors.....	2,605.95	2,772.20
Wailuku Town Hall and Park.....		2,070.60
Survey Kula Pipe Line.....		1,033.90
Support Militia County of Maui.....		652.45
County Clerk's Office—		
Salary County Clerk.....	1,200.00	1,200.00
Salary Assistant Clerk.....	1,209.21	778.39
Incidentals	88.50	13.80
Expense Janitor	120.00	144.00
Finance Department—		
Salary Treasurer	1,500.00	1,500.00
Incidentals Treasurer	14.80	73.50
Salary Auditor	1,500.00	1,500.00
Salary Auditor's Clerk.....		604.50
Incidentals Auditor	111.90	210.04
County Attorney's Office—		
Salary County Attorney.....	1,800.00	1,819.35
Salary Assistants	1,560.00	1,472.58
Incidentals	688.10	816.12
Witness Fees and Mileages.....	1,108.80	867.20

Police Department—

Salary Sheriff	1,800.00	1,800.00
Salary Sheriff's Clerk.....	1,020.00	1,035.00
Salary Deputy Sheriffs.....	4,680.00	4,709.67
Pay of Police, Wailuku.....	7,239.95	7,127.75
Pay of Police, Lahaina.....	4,512.90	4,560.00
Pay of Police, Makawao.....	4,270.85	4,000.00
Pay of Police, Hana.....	3,503.05	3,540.00
Pay of Police, Molokai.....	2,310.00	2,480.00
Specials all Districts.....	337.83	967.53
Coroners' Inquests	428.00	427.75
Expenses Medical Services.....	232.00	345.50
Expenses Witnesses	71.70	11.55
Incidentals Sheriff	2,144.48	793.71
Support and Maintenance of Prisoners	696.00	421.00

Road Departments—

Salary County Engineer.....	2,400.00	2,400.00
Salary Clerk Road Department.....		964.51
County Superintendent Roads.....	929.60	151.45
Incidentals Engineer	834.70	1,250.81
Mile Posts	1,767.44	
Roads and Bridges, Wailuku.....	34,954.55	37,054.11
Roads and Bridges, Lahaina.....	21,051.39	29,202.29
Roads and Bridges, Makawao.....	25,285.20	36,316.59
Roads and Bridges, Hana.....	10,150.38	19,039.11
Roads and Bridges, Molokai.....	4,065.08	7,565.92

Total Amount Drawn.....	\$159,256.03	\$193,056.79
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Cash Balance—

Current Account	26,202.80	20,681.88
Road Tax Account.....	2,364.45	491.08

	\$187,823.28	\$214,229.75
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TREASURY PAYMENTS:

Outstanding Warrants 1906, 1907.....	\$ 1,232.38
Warrants Drawn, 1907.....	193,056.79

	\$194,289.17
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Redeemed by Treasurer.....	193,288.34
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Warrants Unpaid	\$ 1,000.83
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Wailuku, Maui, January 31, 1909.

CHAS. WILCOX,
Auditor, County of Maui.

SENATE JOURNAL.

TREASURER'S REPORT.

Cash Receipts January 1st, 1907, to December 31st, 1907.

Current Account—

Cash on hand January 1, 1907.....	\$ 20,013.20
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Treasury Collections—

County Realizations	\$ 2,743.63
Lahaina Street Sprinkling.....	205.25
Territory of Hawaii, Taxes.....	148,107.96
Garbage Wailuku	440.50
Wailuku Side Walks.....	150.72
Fees Hunting Permits.....	470.00
Garbage Lahaina	155.25

Total Receipts all sources.....	152,286.31
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	\$172,286.51
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TREASURER'S REPORT.

Cash Disbursements January 1, 1907, to December 31, 1907.

CURRENT ACCOUNT.

Lahaina Street Lights.....	\$ 322.05
Wailuku Street Lights.....	333.55
Bonds County Officers.....	472.50
Salary Sheriff	1,800.00
Salary Sheriff's Clerk.....	1,020.00
Salary County Clerk.....	1,200.00
County Clerk's incidentals.....	88.50
Salary County Treasurer.....	1,500.00
Salary County Auditor.....	1,500.00
Salary County Attorney.....	1,800.00
Salaray Deputy County Attorney.....	960.00
Salary Stenographer County Attorney.....	600.00
Expenses of Witnesses.....	71.70
Incidentals Hack and Sanitary Inspectors.....	153.17
Town Clock, Wailuku.....	60.00
Salary County Engineer.....	2,400.00
Expense of Janitor	120.00
Expense Examination of Insane.....	193.00
Expense Medical Examination and Expert Evidence..	39.00
Roads and Bridges, Lahaina.....	17,792.69
Support and Maintenance of Indigents.....	359.45
Incidentals Sheriff	2,144.48
Roads and Bridges, Makawao.....	20,165.96

Pay of Police, Wailuku.....	7,239.95
Salary Hack and Sanitary Inspectors.....	2,452.78
New Iao Road.....	1,467.00
County Buildings	1,028.67
Supervisors Incidentals	992.50
Incidentals County Engineer.....	834.70
Roads and Bridges, Molokai.....	3,706.37
Roads and Bridges, Hana.....	8,754.60
Pay of Police, Molokai.....	2,310.00
Furniture and Office Supplies.....	1,906.32
Salary Assistant Clerks.....	1,209.21
Incidentals County Attorney.....	688.10
Incidentals Treasurer	14.80
Incidentals Auditor	11.90
Salary Deputy Sheriffs.....	4,680.00
Coroners' Inquests	428.00
Telephones	1,859.00
Roads and Bridges, Wailuku.....	25,544.36
Office Rent	400.00
Mile Posts	1,767.44
Support and Maintenance of Prisoners.....	696.00
Specials all Districts.....	337.83
Examiners of Chauffeurs.....	67.50
Witness Fees and Mileage	1,108.80
Pay of Police, Lahaina.....	4,512.90
Fire Department, Wailuku.....	306.46
Salary Supervisors	3,000.00
Salary County Superintendent of Roads.....	550.00
Incidentals County Superintendent of Roads.....	379.60
Pay of Police, Makawao.....	4,270.85
Fire Department, Lahaina.....	559.45
General Improvements	57.82
Pay of Police, Hana.....	3,503.05

Total Expenditures January 1, 1907, to December 31,
1907

\$141,838.01

Add Unpaid Warrants January 1, 1907.....

4,245.70

\$146,083.71

Deduct Unpaid Warrants December 31, 1907.....

1,213.13

Net Cash Disbursements by Treasury Department,

January 1, 1907, to December 31, 1907.....

\$144,870.58

Current Cash Balance December 31, 1907.....

27,415.93

\$172,286.51

TREASURER'S REPORT.

Cash Receipts January 1, 1908, to December 31, 1908.

CURRENT ACCOUNTS.

Cash on hand January 1, 1908.....	\$ 27,415.93
Treasury Collections—	
County Realizations	\$ 833.96
Lahaina Street Sprinkling.....	247.00
Garbage Lahaina	144.50
Territory of Hawaii.....	163,231.94
Garbage and Street Sprinkling Wailuku.	238.25
Wailuku Side Walks.....	66.60
Nomination Fees	775.00
Fees Hunting Permits.....	375.00
Fees Odorless Excavator.....	17.25
<hr/>	
Total Receipts all Sources.....	165,929.50
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	\$193,345.43

TREASURER'S REPORT.

Cash Disbursements January 1, 1908, to December 31, 1908.

CURRENT ACCOUNTS.

Bond County Officers.....	\$ 99.16
Incidentals County Clerk.....	13.80
Expense of Witnesses.....	13.55
Incidentals Hack and Sanitary Inspectors.....	249.00
Town Clock, Wailuku.....	60.00
Salary County Engineer.....	2,400.00
Expense of Janitor.....	144.00
Expense of Examination of Insane.....	150.00
Expense M. A. & E. Evidence.....	195.50
Roads and Bridges, Lahaina.....	25,670.04
Support and Maintenance of Indigents.....	209.00
Election Expenses	614.23
Roads and Bridges, Makawao.....	29,242.75
Pay of Police, Wailuku.....	7,127.75
Salary Hack and Sanitary Inspectors.....	2,523.20
Supervisors Incidentals	1,779.83
Incidentals County Engineer.....	1,250.81
Roads and Bridges, Molokai.....	7,133.15
Roads and Bridges, Hana.....	16,853.88
Pay of Police, Molokai.....	2,345.00
Furniture and Office Supplies.....	1,178.24

Salary Assistant Clerks.....	778.39
Incidentals Treasurer	73.50
Incidentals Auditor	210.04
Telephones	1,895.90
Roads and Bridges, Wailuku.....	28,311.33
Office Rent	187.50
Support and Maintenance of Prisoners.....	421.00
Specials all Districts.....	937.53
Examiner of Chauffeurs.....	65.00
Witness Fees and Mileages.....	860.00
Pay of Police, Lahaina.....	4,560.00
Fire Department, Wailuku.....	224.65
Salary Supervisors	2,956.45
Salary County Superintendent of Roads.....	150.00
Incidentals County Superintendent of Roads.....	1.45
Pay of Police, Makawao.....	3,960.00
Pay of Police, Hana.....	3,540.00
Salary Auditor's Clerk.....	604.50
Coroners' Inquests	413.75
Salary Clerk Road Department.....	964.51
Support Militia County of Mani.....	652.45
Wailuku Town Hall.....	2,070.60
Salary Deputy Sheriffs.....	4,603.22
Salary Clerk County Attorney.....	512.58
Salary Deputy County Attorney.....	960.00
Incidentals County Attorney.....	789.62
Survey Kula Pipe Line.....	1,033.90
Salary Treasurer	1,500.00
Salary Auditor	1,500.00
Salary County Attorney.....	1,819.35
Salary County Clerk.....	1,200.00
Salary Sheriff	1,800.00
Incidentals Sheriff	784.21
Salary Sheriff's Clerk.....	1,035.00
Outstanding Warrants 1907.....	1,121.65
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Total Expenditures January 1, 1908, to December	
31, 1908	\$171,750.97
Current Cash Balance December 31, 1908.....	21,594.46
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	\$193,345.43
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TREASURER'S REPORT.

Road Tax Special Deposit.

Cash Receipts January 1, 1907, to December 31, 1907.

Cash on hand January 1st, 1907.....	\$ 2,310.46
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From Territorial Treasurer—

District of Lahaina.....	\$ 2,961.00	
Wailuku	7,374.00	
Hana	1,764.00	
Makawao	5,841.00	
Molokai	438.00	
Lanai	75.00	
		<hr/>
Total Receipts all Districts.....		18,453.00
		<hr/>
		\$ 20,763.46
		<hr/>

Road Tax Special Deposit.

Cash Disbursements January 1, 1907, to December 31, 1907.

District of Lahaina.....	\$ 3,014.91	
Wailuku	7,581.71	
Hana	1,606.78	
Makawao	5,821.31	
Molokai	355.05	
		<hr/>
Total Expenditures January 1st, 1907, to December 31st, 1907.....		\$ 18,379.76
Current Cash Balance December 31st, 1907		2,383.70
		<hr/>
		\$ 20,763.46
		<hr/>

TREASURER'S REPORT.

Road Tax Special Deposit.

Cash Receipts January 1st, 1908, to December 31st, 1908.

Cash on hand January 1st, 1908.....	\$ 2,383.70	
From Territorial Treasurer—		
District of Lahaina.....	\$ 3,277.00	
Wailuku	8,631.00	
Hana	1,685.00	
Makawao	5,748.00	
Molokai	334.00	
Lanai	58.00	
		<hr/>
Total Receipts all Districts.....		19,733.00
		<hr/>
		\$ 22,116.70
		<hr/>

Road Tax Special Deposit.**Cash Disbursements January 1st, 1908, to December 31, 1908.**

District of Lahaina.....	\$ 3,399.25
Wailuku	8,729.78
Hana	2,120.07
Makawao	6,720.09
Lanai	133.00
Molokai	435.18
<hr/>	
Total expenditures January 1st, 1908, to December 31st, 1908.....	\$ 21,537.37
Current cash balance December 31st, 1908	579.33
<hr/>	
	\$ 22,116.70

TREASURER'S REPORT.**SUMMARY.**

Total Cash Receipts January 1st, 1907, to December 31st, 1907	\$152,273.31
Total Cash Receipts January 1st, 1908, to December 31st, 1908	165,929.50
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Grand Total All Sources.....	\$318,202.81
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Total Cash Disbursements January 1st, 1907, to De- cember 31st, 1907.....	\$141,838.01
Total Cash Disbursements January 1st, 1908, to De- cember 31st, 1908.....	171,750.97
<hr/>	
Grand Total All Sources.....	\$313,588.98

Road Tax Special Deposit.

Total Cash Receipts January 1st, 1907, to December 31st, 1907	\$ 18,453.00
Total Cash Receipts January 1st, 1908, to December 31st, 1908	19,733.00
<hr/>	
Grand Total All Districts.....	\$ 38,186.00

Total Disbursements January 1st, 1907, to December	
31st, 1907	18,379.76
Total Disbursements January 1st, 1908, to December	
31st, 1908	21,537.37
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Grand Total All Sources.....	\$ 39,917.13
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E. & O. E.

Respectfully submitted,

(Signed) L. M. BALDWIN,
Treasurer, County of Maui.

Senator Coelho moved that the Communication be received and placed on file. Seconded by Senator Fairchild and carried.

The President here announced the following Standing Committees:

Judiciary: Senators Knudsen, Chillingworth and Makekau.

Military and Public Expenditures: Senators Chillingworth, Kalama and Makekau.

Public Lands, Internal Improvements, Agriculture, etc.: Senators Kalama, Knudsen and Woods.

Public Health: Senators Coelho, Fairchild and Harvey.

Education: Senators Robinson, Coelho and McCarthy.

Enrollment, Revision and Printing: Senators Brown, Quinn and McCarthy.

Accounts: Senators Quinn, Robinson and Woods.

Senator Coelho offered the following Resolution (No. 3) relating to Furnishing of Newspapers to Members by the Sergeant-at-Arms:

RESOLUTION.

Resolved that the Sergeant-at-Arms furnish the members of the Senate with the following newspapers:

Evening Bulletin, Daily;
Evening Star, Daily;
P. C. Advertiser, Daily;
Kuokoa, Haw'n. Weekly;
Ke Aloha Aina, Haw'n. Weekly;
Home Rula, Haw'n. Weekly;
Hilo Tribune, Weekly;
Hawaii Herald, Weekly;
Maui News, Weekly;
Ka Elele, Hawaiian Weekly;
The Garden Island, Weekly.

W. J. COELHO,
Senator 2nd. District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator McCarthy.

Senator McCarthy moved as an amendment that each member select such newspapers from the list as he desired. Senator Coelho accepted the amendment.

Senator Makekau moved that each member select such newspapers from the list as he desired and to also add the "Kilohana" and "Hoku o Hawaii" newspapers. Seconded by Senator Woods and carried.

Senator Coelho gave notice of intention to introduce the following bills:

"An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1909."

"An Act to Amend Section 195 of the Revised Laws of Hawaii."

"An Act to Provide for an Hospital in the District of Lahaina, Island of Maui."

"An Act to Provide for Biennial Reports to the Legislature of the Territory of Hawaii by Counties."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 1) entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1909."

The bill was read and, upon motion of Senator Coelho, seconded by Senator Makekau, passed First Reading.

Senator Coelho introduced a Bill (S. B. No. 2) entitled "An Act to Amend Section 195 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 3) entitled "An Act to Provide for an Hospital in the District of Lahaina, Island of Maui."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 4) entitled "An Act to Provide for Biennial Reports to the Legislature of the Territory of Hawaii, by Counties."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator McCarthy gave notice of intention to introduce the following bills:

"An Act to Provide for Elections in the Territory of Hawaii, and the various sub-divisions thereof."

"An Act to Amend and Re-enact Section 1278 of the Revised Laws of Hawaii, and to Repeal Section 1 of Act 87 of the Session Laws of 1905."

"An Act Respecting Premiums Paid by Executors, Administrators, Receivers, and other similar officers appointed or confirmed by the Courts, and to Facilitate the Giving of Bonds Required or Permitted by Law."

Under suspension of the Rules, Senator McCarthy introduced a Bill (S. B. No. 5) entitled "An Act to Provide for Elections in the Territory of Hawaii, and the various sub-divisions thereof."

The bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Woods, passed First Reading and was referred to the Committee on Printing.

Senator McCarthy introduced a Bill (S. B. No. 6) entitled "An Act to Amend and Re-enact Section 1278 of the Revised Laws of Hawaii, and to Repeal Section 1 of Act 87 of the Session Laws of 1905."

The bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Woods, passed First Reading and was referred to the Committee on Printing.

Senator McCarthy introduced a Bill (S. B. No. 7) entitled "An Act Respecting Premiums Paid by Executors, Administrators, Receivers, and other similar officers appointed or confirmed by the Courts, and to Facilitate the Giving of Bonds required or permitted by Law."

The bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Printing.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act to Provide for Nominations by Direct Vote."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 8) entitled "An Act to Provide for Nominations by Direct Vote."

The bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Printing.

Senator Baker gave notice of intention to introduce the following Bills:

"An Act to Amend Section 1418G of the Revised Laws as enacted by Act 96 of the Session Laws of 1907."

"An Act to Divide the Present County of Hawaii into Two Counties, and to Provide for the Government thereof."

"An Act to Designate all Fines and Costs collected by any District Court as County Realizations."

"An Act Relating to Licenses, Repealing Section 1335 of the Revised Laws of Hawaii, as Amended by Act 90, Session Laws of 1907, and all of Act 90 of the Session Laws of 1907, and Repealing also Sections 1341 and 1342 of the Revised Laws."

Under suspension of the Rules, Senator Baker introduced a Bill (S. B. No. 9) entitled "An Act to Designate all Fines and Costs collected by any District Court as County Realizations."

The bill was read by title and, upon motion of Senator Baker, seconded by Senator Woods, passed First Reading and was referred to the Committee on Printing.

Senator Baker introduced a Bill (S. B. No. 10) entitled "An Act to Amend Section 1418G of the Revised Laws as enacted by Act 96 of the Session Laws of 1907."

The bill was read by title and, upon motion of Senator Baker, seconded by Senator Robinson, passed First Reading and was referred to the Committee on Printing.

Senator Baker introduced a Bill (S. B. No. 11) entitled "An Act to Divide the Present County of Hawaii into Two Counties, and to Provide for the Government thereof."

The bill was read by title and, upon motion of Senator Baker, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Baker introduced a Bill (S. B. No. 12) entitled "An Act Relating to Licenses, Repealing Section 1335 of the Revised Laws of Hawaii, as amended by Act 90, Session Laws of 1907, and all of Act 90 of the Session Laws of 1907, and Repealing also Sections 1341 and 1342 of the Revised Laws."

The bill was read by title and, upon motion of Senator Baker, seconded by Senator Kalama, passed First Reading and was referred to the Committee on Printing.

Senator Robinson offered the following Resolution (No. 4) relating to adjournments:

RESOLUTION.

Resolved, that whenever the Senate shall adjourn it will meet next working day at 10 o'clock in the morning unless otherwise decided.

WM. T. ROBINSON,
Senator, 2nd. District.

Senate Chamber, February 17, 1909.

Senator Knudsen moved that the Resolution be adopted. Seconded by Senator Coelho and carried.

Senator Harvey offered the following Resolution (No. 5) relating to the Furnishing to Members of the Senate of Copies of the Revised Laws, etc.:

RESOLUTION.

Resolved, that the Clerk of the Senate be and he is hereby authorized to furnish the members of the Senate with copies of the Revised Laws of Hawaii and Session Laws of 1905 and 1907, taking receipt therefor from each member.

F. R. HARVEY,
Senator, 3rd. District.

Senator Woods moved that the Resolution be adopted. Seconded by Senator Robinson and carried.

At 3:12 o'clock, upon motion of Senator Kalama, seconded by Senator Robinson, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

SECOND DAY.

Thursday, February 18, 1909.

The Senate met pursuant to adjournment at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Quinn absent.

The Journal of the First Day was read and, upon motion of Senator Coelho, seconded by Senator Brown, approved as read.

At 10:16 o'clock a Message (No. 4) from the Governor, submitting estimates for appropriations to compensate certain persons for property taken by the Board of Health at Kala-wao, Molokai, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,
Executive Chamber,

Honolulu, February 18, 1909.

To the Legislature:

I recommend that the sums set forth in the schedule transmitted herewith, amounting to Two Thousand Two Hundred and Seventy Dollars, be appropriated to compensate for the taking by the Board of Health, during the year 1907, of the property of certain persons on the Federal Reservation in the County of Kalawao. The circumstances under which the property was taken are as follows:

Under An Act of Congress approved March 3, 1905, provision was made for the establishment of a leprosarium at the leper settlement upon land to be ceded by the Government of Hawaii to the United States. There were upon the required land certain buildings which had been constructed by certain persons residing at the settlement. It became necessary for the territorial Government to remove the buildings in order to clear the land for the leprosarium and this was done when required by the Federal authorities.

Although technically the property did not belong to the persons to be compensated, because it was on government land, yet this case differs from others, in that the claimants were required by the Government to reside at the settlement and upon land belonging to the Territory. It seems only just that they should be compensated.

The amounts recommended are the appraisements made at the time and agreed to by the claimants.

WALTER F. FREAR,
Governor of Hawaii.

AN ACT

MAKING SPECIAL APPROPRIATIONS TO COMPENSATE
FOR THE TAKING BY THE BOARD OF HEALTH, DURING
THE YEAR 1907, OF THE PROPERTY OF CERTAIN
PERSONS ON THE FEDERAL RESERVATION, COUNTY
OF KALAWAO.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sums of money amounting to Two Thousand Two Hundred Seventy (\$2,270) Dollars are hereby appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory as com-

pensation for the taking by the Board of Health, during the year 1907, of the property of the following persons:

K. M. Kalunakaahale (k)	\$ 350.00
Kahalekukona (k)	250.00
Kamakau (k)	70.00
Ione Kaaisi (k)	25.00
Manuwa (k)	300.00
Nailima (k)	50.00
Keonaona Kopena (w)	800.00
Estate of Meta Pierce	125.00
Kapiioho (w)	200.00
Mary Hoolemakani (w)	100.00

Section 2. The Auditor shall not issue warrants in payment of the above claims until receipts in full are filed therefor, and the same are approved by the Board of Health.

Section 3. This appropriation shall lapse on the thirtieth day of June, A. D. 1911.

Section 4. This Act shall be in effect on and after the date of its approval.

The Message was referred to the Committee on Ways and Means.

The Janitor of the Senate was here sworn in by the President of the Senate.

The President of the Senate announced the following as the Committee on Ways and Means: Senators Fairchild, Brown, Coelho, Moore and Quinn.

Senator Coelho asked to be allowed to resign from the Committee on Education.

There being no objection, the resignation was accepted and the President of the Senate appointed Senator Knudsen in his place on the Committee on Education.

Senator Coelho gave notice of intention to introduce the following Bills:

"An Act to Amend Act 39 of the Session Laws of 1905 entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof.'"

"An Act Relating to the Payment of Salaries and Wages of County Officers and County Employees."

"An Act to Amend Section 28 of Act 39 of the Session Laws of 1905 entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof.'"

"An Act Relating to Fishing in the Fisheries in the Sea Waters of the Territory of Hawaii."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 13) entitled "An Act to Amend Act 39 of the

Session Laws of 1905 entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof.'"

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Robinson, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 14) entitled "An Act Relating to the Payment of Salaries and Wages of County Officers and County Employees."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 15) entitled "An Act to Amend Section 28 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof.'"

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 16) entitled "An Act Relating to Fishing in the Fisheries in the Sea Waters of the Territory of Hawaii."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Coelho gave notice of intention to introduce the following Bills:

"An Act Relating to Persons Employed in the Service of the Government of the Territory of Hawaii or any County or Municipal Sub-division thereof."

"An Act to Amend Sections 1321 and 1323 of Chapter 102 of the Revised Laws of Hawaii."

"An Act to Amend Sections 1380 and 1381 of the Revised Laws of Hawaii, Relating to Lodging or Tenement Houses, Hotels, Boarding Houses and Restaurants."

"An Act to Amend Sections 1212 and 1225 of the Revised Laws of Hawaii, Relating to the Rate Per Cent for Property Taxation."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 17) entitled "An Act Relating to Persons Employed in the Service of the Government of the Territory of Hawaii or any County or Municipal Sub-division thereof."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 18) entitled "An

Act to Amend Sections 1321 and 1323 of Chapter 102 of the Revised Laws of Hawaii."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 19) entitled "An Act to Amend Sections 1380 and 1381 of the Revised Laws of Hawaii, Relating to Lodging or Tenement Houses, Hotels, Boarding Houses, and Restaurants."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 20) entitled "An Act to Amend Sections 1212 and 1225 of the Revised Laws of the Territory of Hawaii, Relating to the Rate Per Cent for the Property Taxation."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Baker, passed First Reading and was referred to the Committee on Printing.

Senator Coelho gave notice of intention to introduce the following Bills:

"An Act Relating to the Rate Per Cent for Income Taxation and Amending Sections 1278, 1279, 1281 and 1283 of the Revised Laws of the Territory of Hawaii, as Amended by Act 87 of the Session Laws of 1905."

"An Act Relating to the Rate Per Cent for Inheritance Taxation and Amending Act 102 of the Session Laws of 1905."

"An Act to Repeal Chapter 81 of the Revised Laws of Hawaii."

"An Act to Amend Chapter 94 of the Revised Laws of Hawaii, Relating to Leper Settlement and Hospitals by Adding thereto a New Section to be known as Section 1127A."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 21) entitled "An Act Relating to the Rate Per Cent for Income Taxation and Amending Sections 1278, 1279, 1281 and 1283 of the Revised Laws of the Territory of Hawaii, as Amended by Act 87 of the Session Laws of 1905."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 22) entitled "An Act Relating to the Rate Per Cent for Inheritance Taxation and Amending Act 102 of the Session Laws of 1905."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 23) entitled "An Act to Repeal Chapter 81 of the Revised Laws of Hawaii."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 24) entitled "An Act to Amend Chapter 94 of the Revised Laws of Hawaii Relating to Leper Settlement and Hospitals by adding thereto a new section to be known as Section 1127A."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Printing.

Senator Coelho gave notice of intention to introduce the following Bills:

"An Act Relating to Marriage Licenses."

"An Act to Repeal Sections 1057 and 1060 of the Revised Laws of Hawaii, Relating to the Manufacture of Poi."

"An Act to Amend Section 1418G of Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Laws of 1907."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 25) entitled "An Act Relating to Marriage Licenses."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 26) entitled "An Act to Repeal Sections 1057 and 1060 of the Revised Laws of Hawaii, relating to the Manufacture of Poi."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Printing.

Senator Coelho introduced a Bill (S. B. No. 27) entitled "An Act to Amend Section 1418G of Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Laws of 1907."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Moore gave notice of intention to introduce the following Bills:

"An Act to Amend Act 119 of the Session Laws of 1907 entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.'"

"An Act to Amend Section 1647 of the Revised Laws of Hawaii."

Under suspension of the Rules, Senator Moore introduced a Bill (S. B. No. 28) entitled "An Act to Amend Section 1647 of the Revised Laws of Hawaii."

The bill was read by title and, upon motion of Senator Moore, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Printing.

Senator Moore introduced a Bill (S. B. No. 29) entitled "An Act to Amend Act 119 of the Session Laws of 1907 entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.'"

The bill was read by title and, upon motion of Senator Moore, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Printing.

Senator Robinson gave notice of intention to introduce a Bill entitled "An Act Relating to Fines and Costs."

Under suspension of the Rules, Senator Robinson introduced a Bill (S. B. No. 30) entitled "An Act Relating to Fines and Costs."

The bill was read by title and, upon motion of Senator Robinson, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Printing.

Senator Baker gave notice of intention to introduce the following Bills:

"An Act to Amend Section 1381 of the Revised Laws."

"An Act to Repeal Act 54, Session Laws of 1905, and Re-enact Act 39 entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof,' Amending Sections 27, 39, 61 and 62 of said Act."

Under suspension of the Rules, Senator Baker introduced a Bill (S. B. No. 31) entitled "An Act to Amend Section 1381 of the Revised Laws."

The bill was read by title and, upon motion of Senator Makekau, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Printing.

Senator Baker introduced a Bill (S. B. No. 32) entitled "An Act to Repeal Act 54, Session Laws of 1905, and Re-enact Act 39 entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof,' Amending Sections 27, 39, 61 and 62 of said Act."

The bill was read by title and, upon motion of Senator Baker, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Baker offered the following Concurrent Resolution (No. 1) relating to the Establishment of County Recording Offices:

CONCURRENT RESOLUTION.

Be it resolved, by the Senate of the Territory of Hawaii, the House of Representatives concurring, that the president of the Senate appoint a committee of three to confer with a Committee of like number, appointed by the Speaker of the House of Representatives as to advisability of a law providing for the registration of conveyances in counties, and giving such committee power if deemed advisable to prepare and present such a bill.

DAVID K. BAKER,
Senator First District.

Dated February 17, 1909.

Senator Baker moved that the Concurrent Resolution be adopted. Seconded by Senator Makekau.

Senator Knudsen moved that the Concurrent Resolution be referred to the Committee on Judiciary. Seconded by Senator Quinn.

The motion to refer to the Committee on Judiciary, being put, carried.

Senator Baker offered the following Concurrent Resolution (No. 2) relating to the maintenance and control of schools by the Counties:

CONCURRENT RESOLUTION.

Be it resolved by the Senate of the Territory of Hawaii, (the House of Representatives concurring,) that the committees on Education of the Senate and the House of Representatives respectively be, and they are hereby directed to consider, and to report to the Legislature by bill or otherwise, as they shall deem expedient, whether or not the control and maintenance of the public schools of this Territory might, with advantage to the cause of primary education, and to the taxpayers of the respective communities of this Territory, be confided to the respective counties and cities and counties of this Territory.

Introduced by

DAVID K. BAKER,
Senator First Senatorial District.

February 17, 1909.

Senator Knudsen moved that the Concurrent Resolution be referred to the Committee on Education. Seconded by Senator Quinn and carried.

Senator Kalama offered the following Concurrent Resolution (No. 3) relating to Properties ceded to the United States under Joint Resolution, approved July 7, 1898:

CONCURRENT RESOLUTION.

WHEREAS, by Section Ninety-one of an Act of the Congress of the United States entitled "An Act to Provide a Government for the Territory of Hawaii" approved April 30th, 1900, it is provided that the public property ceded and transferred to the United States by the Republic of Hawaii under the Joint Resolution of Annexation, approved July 7th, 1898, shall be and remain in the possession, use and control of the Government of the Territory of Hawaii, and shall be maintained, managed and cared for by it at its own expense, until otherwise provided for by Congress; and

WHEREAS, there was included therein certain property now required for the advancement of the administration of County Government within the Territory of Hawaii, it is desired that each county may be able to acquire, maintain and conduct for its own use, and as its own property, the public water works systems, fire department buildings and jails, and property connected therewith within such County;

THEREFORE, BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, the House of Representatives concurring:

That the Congress of the United States be and is hereby respectfully requested to pass, at an early date an Act whereby and whereunder there shall be ceded back to the Territory of Hawaii by the United States, the title to all and singular the several public water works systems, public highways, parks, squares, fire department buildings and jails, and all property, appurtenances and interests used in connection therewith, and

BE IT FURTHER RESOLVED that the Governor of this Territory be and he is hereby requested to transmit a duly certified copy of this Resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the Delegate of the Territory of Hawaii in Congress, with the request that this Resolution be laid before the Congress of the United States.

S. E. KALAMA,

Senator 2nd. District.

Senator Coelho moved to adopt the Concurrent Resolution.
Seconded by Senator McCarthy.

Senator Knudsen moved that the Concurrent Resolution be referred to the Committee on Public Expenditures. Seconded by Senator Coelho.

The motion to refer to the Committee on Public Expenditures was withdrawn.

Senator Coelho moved that the Resolution be referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc. Seconded by Senator Woods.

Senator Makekau moved that the Resolution be referred to the Committee on Public Expenditures, and that copies be furnished the members. Senator Coelho accepted the amendment which carried.

Senator Coelho offered the following Concurrent Resolution (No. 4) relating to the Apportionment of the Federal Appropriation for Legislative Expenses:

CONCURRENT RESOLUTION.

BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, the House of Representatives, concurring, that the apportionment of the Federal Appropriation of \$30,000.00 shall be as follows:

One-third (1/3) of said sum to be drawn by the Senate and two-thirds (2/3) of said sum to be drawn by the House for the expenses respectively of both Houses; and that a copy of this Resolution be forwarded by the Clerk of the Senate to the Secretary of the Territory of Hawaii.

W. J. COELHO,
Senator, 2nd. District.

Senate Chamber, February 18, 1909.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Knudsen and carried.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 1 entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1909."

Senator Coelho moved that the Bill pass Second Reading. Seconded by Senator Brown and carried.

At 10:49 o'clock Senator Knudsen moved to take a recess until 2 o'clock. Seconded by Senator Coelho.

Senator Kalama moved as an amendment to adjourn. Seconded by Senator Quinn.

Senator Kalama withdrew his amendment, and the motion to take a recess, being put, carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Senator Knudsen gave notice of intention to introduce the following Bills:

"An Act to Amend Sections 2230, 2235 and 2240 of the Revised Laws, Relating to Divorce, and to add a new section thereto to be known as Section 2235A."

"An Act to Amend Section 1644 of the Revised Laws as Amended by Act 34 of the Laws of 1905 and Act 50 of the Laws of 1907, Relating to the Terms of the Circuit Courts."

"An Act to Make Certified Copies of Public Archives Receivable in Evidence."

"An Act to Amend Section 1634 of the Revised Laws, Relating to Substitute Justices of the Supreme Court."

Under suspension of the Rules, Senator Knudsen introduced a Bill (S. B. No. 33) entitled "An Act to Amend Section 1634 of the Revised Laws Relating to Substitute Justices of the Supreme Court."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Printing.

Senator Knudsen introduced a Bill (S. B. No. 34) entitled "An Act to Make Certified Copies of Public Archives Receivable in Evidence."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Senator Knudsen introduced a Bill (S. B. No. 35) entitled "An Act to Amend Section 1644 of the Revised Laws as Amended by Act 34 of the Laws of 1905 and Act 50 of the Laws of 1907, Relating to the Terms of the Circuit Courts."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Printing.

Senator Knudsen introduced a Bill (S. B. No. 36) entitled "An Act to Amend Sections 2230, 2235 and 2240 of the Revised Laws Relating to Divorce, and to add a new section thereto to be known as Section 2235A."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading and was referred to the Committee on Printing.

Under suspension of the Rules, Senator Brown, for the Printing Committee, reported Senate Bills Nos. 11 and 12 printed and ready for distribution.

Second Reading of Senate Bill No. 11 entitled "An Act to Divide the Present County of Hawaii into Two Counties and to Provide for the Government thereof."

Senator Kalama moved that the Bill be referred to the Hawaii members. Seconded by Senator Coelho.

Senator Woods moved that the Bill be referred to a Select Committee to be composed of the members from Hawaii. Seconded by Senator Makekau and carried.

Second Reading of Senate Bill No. 12 entitled "An Act Relating to Licenses, Repealing Section 1335 of the Revised Laws of Hawaii, as Amended by Act 90, Session Laws of 1907, and all of Act 90 of the Session Laws of 1907, and Repealing also Sections 1341 and 1342 of the Revised Laws."

Senator Knudsen moved that the Bill be referred to the Committee on Ways and Means. Seconded by Senator Kalama and carried.

Senator McCarthy moved that the Committee on Printing be authorized to have printed all bills introduced in Congress for the Governor amending the Organic Act, and also all bills introduced by Delegate Kalaniana'ole on the same subject. Seconded by Senator Makekau and carried.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act to Repeal Section 3018 of the Revised Laws, Relating to the Circulation of Commercial Paper."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 37) entitled "An Act to Repeal Section 3018 of the Revised Laws, Relating to the Circulation of Commercial Paper."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Kalama, passed First Reading and was referred to the Committee on Printing.

Senator Moore gave notice of intention to introduce a Bill entitled "An Act to Encourage Diversified Industries."

Under suspension of the Rules, Senator Moore introduced a Bill (S. B. No. 38) entitled "An Act to Encourage Diversified Industries."

The bill was read by title and, upon motion of Senator Kalama, seconded by Senator Woods, passed First Reading and was referred to the Committee on Printing.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act to Amend Section 491 of the Revised Laws, Relating to the Purposes for which Private Property may be taken for Public Uses."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 39) entitled "An Act to Amend Section 491 of the Revised Laws Relating to the Purposes for which Private Property may be taken for Public Uses."

The bill was read by title and, upon motion of Senator Kalama, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Printing.

Under suspension of the Rules, Senator Brown moved to reconsider the action taken amending Rule 7, relating to the Officers of the Senate. Seconded by Senator Makekau.

The Chair ruled the motion as equivalent to a Notice to Amend the Rules.

Senator Brown gave notice of intention to Amend Rule 7 of the Senate Rules.

Senator Makekau moved that the Printing Committee be authorized to translate all bills after passage on Third Reading and before transmitting to the House of Representatives. Seconded by Senator Woods and carried.

At 2:20 o'clock, upon motion of Senator Kalama, seconded by Senator Knudsen, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRD DAY.

Friday, February 19, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Second Day was read and, upon motion of Senator Knudsen, seconded by Senator Brown, approved as read.

A Communication (No. 2) from the House of Representatives, transmitting House Bill No. 1, was read by the Clerk as follows:

THE HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 19th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 1, which

this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

Approved:

H. L. HOLSTEIN,
Speaker.

The Communication was ordered received and placed on file. First Reading of House Bill No. 1 entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1909, from the Public Treasury."

The bill was read by title and, upon motion of Senator Kalamā, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 2) from the members of the Hawaii Promotion Committee, inviting the members of the Senate to a special exhibition of Mr. R. K. Bonine's moving pictures, was read by the Clerk as follows:

THE HAWAII PROMOTION COMMITTEE.

Honolulu, Hawaii, February 19th, 1909.

Hon. William O. Smith,
President of the Senate,
Legislature of the Territory of Hawaii.

Dear Sir:—I am instructed by the members of the Hawaii Promotion Committee to extend to you and through you to the members of the Senate, an invitation to a special exhibition of Mr. R. K. Bonine's moving pictures (Hawaiian Scenes), to be held in the Makai Pavilion of the Alexander Young Hotel Roof Garden Thursday, February 25th, 1909, at 8 P. M.

The members of the Senate are cordially invited to bring their wives and friends.

Respectfully,

H. P. WOOD,
Secretary.

The Communication was ordered received with thanks and placed on file.

A Communication (No. 3) from the College Club, inviting the members of the Senate to a meeting for the discussion of tuberculosis, was read by the Clerk as follows:

THE COLLEGE CLUB,
Honolulu, T. H.

The College Club invites the President, and the Members of the Senate, to a public meeting, for a discussion of Tuberculosis. To be held this evening, February 19, at 8 o'clock, Parish House, Central Union Church. Dr. C. B. Wood, presiding.

Seats will be reserved for all who desire to attend.

MRS. HARMON E. HENDRICK,
President, College Club:

The Communication was ordered received and placed on file. A Communication (No. 4) from Noa W. Aluli, asking that certain persons be paid for services rendered under Act 31 of the Session Laws of 1903, was read by the Clerk as follows:

Hilo, Hawaii, T. H.,
February 15th, 1909.

To the Honorable, the President,
and Members of the Senate, of the
Legislature of the Territory of Hawaii.

Gentlemen:—I humbly petition you that the persons whose names are hereunder set out, be paid the monies set to their names, they being the ELECTIVE and also APPOINTIVE OFFICERS for a certain number of days, under and by virtue of Act 31 of the Session Laws of 1903 of the Legislature of the Territory of Hawaii, namely:

W. M. Keolanui (County Sheriff of East Hawaii)—Nominating Fees \$25.00 and for services rendered \$65.75—Total \$90.75

G. P. Kamauoha (County Sheriff of West Hawaii)—Nominating Fees \$25.00 and for services rendered \$50.00—Total \$75.00.

N. K. Lyman (County Clerk and Recorder County of East Hawaii)—Nominating Fees \$25.00 and for services rendered \$60.00—Total \$85.00.

S. K. Pua (County Clerk and Recorder County West Hawaii) Nominating Fees \$25.00 and for services rendered \$40.00—Total \$65.00.

N. C. Wilfong (Auditor County of East Hawaii)—Nominating Fees \$25.00 and for services rendered \$80.00—Total \$105.00.

W. E. Edmonds (Assessor and Tax Collector County of East Hawaii)—Nominating Fees \$25.00 and for services rendered \$65.75—Total \$90.75.

W. P. McDougal (Assessor and Tax Collector County of West Hawaii)—Nominating Fees \$25.00 and for services rendered \$50.00—Total \$75.00.

J. U. Smith (County Attorney County of East Hawaii)—Nominating Fees \$25.00 and for services rendered \$60.00—Total \$85.00

Guy F. Maydwell (County Attorney County of West Hawaii)—Nominating Fees \$25.00 and for services rendered \$40.00—Total \$65.00.

S. L. Desha \$45.00, T. K. Lalakea \$45.00, R. H. Makekau \$45.00, E. H. Lyman \$45.00, J. A. Maguire \$45.00, Frank J. Woods \$45.00, Geo. C. Hewitt \$45.00 and R. Hind \$45.00 (Nominating Fees \$25.00 and for services rendered \$20.00 each), being Members of the Boards of Supervisors for East Hawaii and West Hawaii Counties.

R. A. Lyman, Sr. (Treasurer County of East Hawaii)—Nominating Fees \$25.00 and for services rendered \$60.00—Total \$85.00.

J. Kaelemakule, Sr. (Treasurer County of East Hawaii)—Nominating Fees \$25.00 and for services rendered \$40.00—Total \$65.00.

POLICE DEPARTMENT.

EAST HAWAII.

SOUTH HILO.

Deputy Sheriff, Dan Kaihenui \$38.65; Capt. Police, Henry West \$31.00; Chas. Warren, Lieut. of Police \$27.10; D. H. Kenoi, Mounted Police \$31.00; J. Kaiama, Mounted Police \$31.00; J. Pestano, Mounted Police \$31.00; Simon Kahana, Hack Inspector \$23.25; C. W. Kahawai, Foot Officer \$17.40; Kaiama Liilii, Foot Officer \$17.40; D. Namahoe, Foot Officer \$17.40; P. Pakele, Foot Officer \$17.40; Luukapu Liilii, Foot Police \$17.40; O. Yutaro, Japanese Officer \$17.40; W. Ako, Chinese Officer \$17.40; Keahi Lihau, Olaa Police \$15.50; J. Kekoaalulana, Olaa Police \$13.45; J. Kanaeholo, Papaikou Police \$15.50; Wm. Koolau, Honomu Jailor and Police \$19.35; D. Ewaliko, Clerk to Sheriff \$21.30; W. C. E. Brown, Day Station Clerk \$17.40; Kalai Maka, Station Clerk \$15.00; Kalani Kaiakoli, Station Clerk \$15.00.

NORTH HILO.

Deputy Sheriff, W. Nahakuelua \$19.35; W. P. Kahaleohu, Capt. of Police \$15.50; Wm. Laeha, Police Officer \$11.55; Manuel Pacheco, Police Officer \$11.55; D. Hookano, Police Officer \$11.55.

HAMAKUA.

Deputy Sheriff, J. W. Moanauli \$38.65; H. B. Kukona, Police Officer at Honokaa \$17.40; E. M. Kealoha, Police Officer \$13.45; Kauhi Kauahipaulo, Police Officer \$13.45; Jno. Gouveia, Police Officer \$13.45.

PUNA.

Deputy Sheriff, James L. Ahia \$19.35; Sam Kaulupahi, Captain of Police \$15.50; K. Lainaholo, Police Officer \$13.45.

JAILORS, GUARDS AND LUNAS.

First Jailor, Thos. B. Ah Leong for 6 days \$12.55 and Wm. Nailima, Sr., for 6 days \$12.55; 2nd Jailor, Wm. Nalimu for 6 days \$10.00; A. K. Kualii, Guard \$13.45; Aki Apana, Guard \$13.45; Dan U U, Guard \$13.45; Wm Harbottle, Luna \$15.50; Frank Gomes, Luna \$15.50; T. N. Naleilehua, Hamakua Jailor \$13.45, Market Keeper, Jos. Oliver \$13.45.

PAY OF ROAD SUPERVISORS.

North Hilo, Dan Kahooio \$20.00.

Hamakua, W. G. Saffery \$40.00.

Clerk to Recorder and County Clerk, A. A. Hapai \$24.00.

WEST HAWAII.

A. K. Eldridge, Road Supervisor N. Kohala \$20.00; Jno. Lanakila, Road Supervisor S. Kohala \$12.00; Mr. Makuakane, Road Supervisor N. Kona \$14.00; Geo. W. McDougal, Road Supervisor S. Kona \$12.00; S. K. Kauhane, Road Supervisor Kau \$20.00.

POLICE, SOUTH KONA.

R. N. Kekuewa, Deputy Sheriff \$26.00; J. Machado, Capt. of Police \$20.00; Kaiolani, Police Officer \$12.00; Wm. Wright, Police Officer \$12.00; Wm. Kamauoha, Police Officer \$12.00; Jno. Kaue, Jailor \$19.00.

POLICE, NORTH KONA.

Deputy Sheriff, Koomoa \$24.00
Capt. of Police \$16.00; Jailor, Jno. Higgins \$12.00.

POLICE, KAU.

Henry K. Martin, Deputy Sheriff \$26.00.
(Police—unable to get names now.)

POLICE, NORTH AND SOUTH KOHALA.

Chas. Stillman, N. Kohala \$30.00. Kawai Opio, S. Kohala \$24.00.

(Police—unable to get names now.)

CLERKS TO THE COUNTY OFFICIALS.

Jas. Burgess, Clerk to Sheriff \$20.00; James Cowan, First Clerk to S. K. Pua \$30.00; Joshua D. Koki, Second Clerk to S. K. Pua \$30.00; H. P. K. Malulani, Third Clerk to S. K. Pua \$14.00; Thos. Aiu, Clerk to Auditor Nahale \$24.00; Jas. Ako, Clerk to Kaelemakule, Sr., \$26.00.

Respectfully,

NOA W. ALULI.

Senator Coelho moved that the Communication be referred to the Committee on Ways and Means. Seconded by Senator Brown and carried.

Senator Robinson, for the Committee on Education, presented a Report (No. 2) on Senate Concurrent Resolution No. 2 as follows:

Hon. W. O. Smith,

President of the Senate.

Dear Sir:—Your Committee on Education to whom was referred Senate Concurrent Resolution No. 2 which seeks to turn over to the Counties “the control and maintenance of the Public Schools,” beg leave to report that they have given the resolution careful consideration, and while the committee believes that as much as possible the business of the Territory should be turned over to the Counties, we still consider that the matter of Education should remain with the Territory for the present.

We therefore recommend that the resolution be laid on the table.

Respectfully submitted,

W. T. ROBINSON, Chairman,

ERIC A. KNUDSEN,

C. J. McCARTHY,

Committee on Education.

Senator Quinn moved that the Report of the Committee be adopted. Seconded by Senator Woods and carried.

Senator Chillingworth presented the Report (No. 3) of the Committee on Public Expenditures on Senate Concurrent Resolution No. 3 as follows:

SENATE JOURNAL.

SENATE CHAMBER,

Honolulu, T. H., February 19th, 1909.

Hon. Wm. O. Smith,
President Territorial Senate,
Hawaii.

Sir:—Senate Concurrent Resolution No. 3, has had the consideration of this Committee and we recommend its adoption.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,
Chairman, Pub. Exp. Com.
R. H. MAKEKAU,
S. E. KALAMA.

Senator Knudsen moved that the Report of the Committee be adopted. Seconded by Senator Coelho and carried.

Senator Brown for the Printing Committee reported Senate Bills Nos. 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 23, 24, 25, 26, 27, 33, 34, 37 and 38 printed and ready for distribution.

Senator Coelho offered the following Resolution (No. 6) requesting the Commissioner of Public Lands to furnish the Senate with a list of all applicants for Public Lands filed during the past four years:

SENATE CHAMBER,

Honolulu, T. H., February 19th, 1909.

RESOLUTION.

RESOLVED, that the Commissioner of Public Lands be and he hereby is requested to forthwith send to the Senate a full list of all applications for Public Lands filed in his office within the past 4 years whether the same were made by individuals or corporations, stating those granted and those not granted, and giving reasons for not granting the same, and

FURTHER RESOLVED, that he submit with said List, copies of all correspondence relative to them, together with the Governor's instructions concerning the same.

W. J. COELHO,
Senator 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator McCarthy.

Senator Quinn moved that the Resolution be referred to

the Committee on Public Lands, Internal Improvements, Agriculture, etc. Seconded by Senator Robinson.

The motion to refer the Resolution to the Committee on Public Lands, Internal Improvements, Agriculture, etc., then carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Fairchild, Kalama, Knudsen, Quinn, Robinson and Mr. President—8.

Noes: Senators Brown, Coelho, Harvey, Makekau, McCarthy, Moore and Woods—7.

Senator Coelho offered the following Concurrent Resolution (No. 5) requesting Congress to delay legislation concerning Public Lands:

CONCURRENT RESOLUTION.

.. WHEREAS, there is now pending in and before the House of Representatives of the United States, in the expectation of its being enacted into law by the Federal Congress, a Bill to amend, in many important particulars, the Organic Act, creating and providing a Government for this Territory, and

WHEREAS, said Bill as so prepared and introduced in said House of Representatives proposes many changes in our scheme of Territorial Government that would be, if enacted into law, distasteful to the people of this Territory and subversive of the principle of popular government, and inimical to the best interests of our Territory, especially as regards the administration and disposition of the Public Lands thereof, in regard to which, in particular; the amendments proposed by said Bill are designed to withdraw from the Courts their present salutary jurisdiction over controversies pertaining to said Public Lands, and to vest an unusual and arbitrary authority respecting the same in the Governor of this Territory and the Commissioner of Public Lands, neither of whom are responsible to, or subject to control by, the people, or the Legislature, of the Territory; and

WHEREAS, it is desirable that any change in the Public Land Laws should involve the principle of a greater degree of control thereof by the people, through the Legislature of this Territory;

THEREFORE BE IT RESOLVED by the Senate of the Territory of Hawaii, (the House of Representatives concurring,) that the Clerk of the Senate and the Clerk of the House of Representatives of the Territory of Hawaii be, and they are hereby, instructed to immediately telegraph to the President of the Senate, and the Speaker of the House of Representatives of the United States, and to the Delegate of this Territory in Congress, a request that said Bill be not further acted upon

until certified copies of this Resolution can be delivered to them respectively in Washington; and that the Clerk of the Senate and the Clerk of the House of Representatives of this Territory be, and they are hereby, further instructed to forward by mail to each of them, the said President of the Senate, Speaker of the House of Representatives and Delegate in the Congress of the United States a certified copy of this Resolution and of the Preamble thereto.

W. J. COELHO,
Senator 2nd District.

Senator McCarthy moved that the Resolution be laid on the table until the bills pending in Congress to amend the Organic Act were printed. Seconded by Senator Fairchild.

Senator Baker moved as an amendment that the Resolution be printed with such bills amending the Organic Act. Senator McCarthy accepted the amendment which carried.

Senator Baker offered the following Resolution (No. 7) appropriating \$8,000.00 for a New School House at Napoopoo, Kona, Hawaii:

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii, that the sum of \$8,000.00 may be inserted in the Loan Bill or Appropriation Bill for the construction of a concrete 4-room new school house for Napoopoo, South Kona, County of Hawaii.

Introduced by

DAVID K. BAKER,
Senator First District.

February 19th, 1909.

Senator Knudsen moved that the Resolution be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Brown and carried.

The Senate proceeded with the order of the Day.

Third Reading of Senate Bill No. 1 entitled "An Act to appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1909."

The bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of Senate Bill No. 2 entitled "An Act to Amend Section 195 of the Revised Laws of Hawaii."

Senator Coelho moved that the bill be referred to the Committee on Education. Seconded by Senator Fairchild and carried.

Second Reading of Senate Bill No. 3 entitled "An Act to Provide for an Hospital in the District of Lahaina, Island of Maui."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 4 entitled "An Act to Provide for Biennial Reports to the Legislature of the Territory of Hawaii by Counties."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 6 entitled "An Act to Amend and Re-enact Section 1278 of the Revised Laws of Hawaii, and to Repeal Section 1 of Act 87 of the Session Laws of 1905."

Senator McCarthy moved that the bill be referred to a Select Committee of five to be called the Select Committee on Taxation. Seconded by Senator Woods and carried.

Second Reading of Senate Bill No. 7 entitled "An Act Respecting Premiums paid by Executors, Administrators, Receivers and other similar officers appointed or confirmed by the Courts, and to Facilitate the Giving of Bonds required or permitted by Law."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 8 entitled "An Act to provide for nominations by Direct Vote."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 9 entitled "An Act to Designate All Fines and Costs collected by any District Court as County Realizations."

Senator Kalama moved that the bill be referred to the Committee on Judiciary. Seconded by Senator Makekau.

Senator Knudsen moved that the bill be referred to the Committee on Ways and Means. Seconded by Senator Harvey.

The motion to refer the bill to the Committee on Ways and Means was then put and carried.

Second Reading of Senate Bill No. 13 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof.'"

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 14 entitled "An Act

Relating to the Payment of Salaries and Wages of County Officers and County Employees."

Referred to the Committee on Judiciary.

Seconding Reading of Senate Bill No. 15 entitled "An Act to Amend Section 28 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof.'"

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 16 entitled "An Act Relating to Fishing in the Fisheries in the Sea Waters of the Territory of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 17 entitled "An Act Relating to Persons employed in the Service of the Government of the Territory of Hawaii or any County or Municipal Sub-division thereof."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 23 entitled "An Act to Repeal Chapter 81 of the Revised Laws of Hawaii."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 24 entitled "An Act to Amend Chapter 94 of the Revised Laws of Hawaii, relating to Leper Settlement and Hospitals by adding thereto a new Section to be known as Section 1127A."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 25 entitled "An Act Relating to Marriage Licenses."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 26 entitled "An Act to Repeal Sections 1057 and 1060 of the Revised Laws of Hawaii Relating to the Manufacture of Poi."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 27 entitled "An Act to Amend Section 1418G of Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Laws of 1907."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 33 entitled "An Act to Amend Section 1634 of the Revised Laws, Relating to Substitute Justices of the Supreme Court."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 34 entitled "An Act to Make Certified Copies of Public Archives Receivable in Evidence."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 37 entitled "An Act to

Repeal Section 3018 of the Revised Laws, Relating to the Circulation of Commercial Paper."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 38 entitled "An Act to Encourage Diversified Industries."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 10 entitled "An Act to Amend Section 1418G of the Revised Laws as enacted by Act 96 of the Session Laws of 1907."

Referred to the Committee on Ways and Means.

A Communication (No. 5) from T. H. Petrie, Chairman, Floral Parade Committee, 1909, inviting the members of the Senate to review the Floral Parade, to be held on the morning of Monday next, February 22, was read by the Clerk as follows:

Honolulu, Hawaii, February 19, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Dear Sir:—On behalf of the Floral Parade Committee for 1909. I desire to extend to you and the members of the Senate with their ladies a cordial invitation to review the Floral Parade, to be held on the morning of Monday next, February 22nd. There are seats specially reserved for the members of the present Legislature, located in the small park near Palace Square and adjacent to the Judges' stand.

The parade will form at 9 o'clock in the Capitol Grounds and start from that point at 10 o'clock.

Respectfully yours,

T. H. PETRIE,
Chairman, Floral Parade Committee, 1909.

The Communication was ordered received and placed on file.

Under suspension of the Rules, Senator Brown for the Printing Committee reported the Message (No. 2) of the Governor, relating to appointments subject to confirmation by the Senate, printed and ready for distribution.

Senator Knudsen presented the Report (No. 4) of the Committee on Judiciary on Senate Concurrent Resolution No. 1 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 19, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Judiciary Committee to whom was referred Senate Concurrent Resolution No. 1 asking for a Joint Committee to

look into County Registration of Conveyances begs leave to report that they have had the same under consideration and recommend that the same be tabled.

ERIC A. KNUDSEN,
Chairman.

R. H. MAKEKAU,
CHAS. F. CHILLINGWORTH.

Senator Knudsen moved that the Report of the Committee be adopted. Seconded by Senator Brown and carried.

At 11:11 o'clock Senator Kalama moved to take a recess until 2 o'clock. Seconded by Senator Knudsen and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Senator Woods gave notice of intention to introduce a bill entitled "An Act to Amend Section 5 of Act 116 of the Session Laws of 1907, Relating to Hunting with Firearms."

Under suspension of the Rules, Senator Woods introduced a Bill (S. B. No. 40) entitled "An Act to Amend Section 5 of Act 116 of the Session Laws of 1907, Relating to Hunting with Firearms."

The bill was read by title and, upon motion of Senator Woods, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Printing.

Senator Harvey gave notice of intention to introduce the following bills:

"An Act Providing for a Graduated Income Tax."

"An Act to Provide for the Erection, Regulation and Maintenance of a Suspect Hospital in the Counties of Hawaii, Maui, Kauai and the City and County of Honolulu."

A Communication (No. 3) from the House of Representatives, transmitting House Concurrent Resolution No. 1, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House

Concurrent Resolution No. 1 which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, by an Act of Congress of the United States of America, passed on the 22nd day of May, A. D. 1908, the sum of Thirty Thousand Dollars (\$30,000.00) has been appropriated for Legislative Expenses of the Territory of Hawaii, conditioned that the members of the Legislature of the Territory of Hawaii shall not draw their compensation of Two Hundred Dollars, for any Extra Session held in compliance with Section fifty-four of an Act to Provide a Government for the Territory of Hawaii, approved April thirtieth, A. D. 1900, and

WHEREAS, the acceptance of said Thirty Thousand Dollars, under conditions imposed by the Act of Congress, is a matter that lies within the province of the members of the Legislature of the Territory of Hawaii; and

WHEREAS, it is the determined policy of the members of said Legislature to adhere to and carry out every principle whereby the Territory may become financially benefited;

THEREFORE BE IT RESOLVED, by the House of Representatives of the Legislature of the Territory of Hawaii of the Session of 1909, the Senate concurring, that the said Thirty Thousand Dollars allowed by Act of Congress for the use of this Legislature be and the same is hereby accepted, conditionally that no member of the Legislature shall be allowed compensation for serving in extra session if same is deemed necessary, and and be it further

RESOLVED, that said Thirty Thousand Dollars be and the same is hereby apportioned as follows: For the use of the Senate, Ten Thousand Dollars; and for the use of the House, Twenty Thousand Dollars.

RESOLVED, FURTHER, that the Secretary of the Territory of Hawaii be furnished with a certified copy of this Resolution.

The Communication was ordered received and placed on file. Senator Kalama moved to adopt House Concurrent Resolution No. 1. Seconded by Senator Chillingworth and carried unanimously.

A Communication (No. 4) from the House of Representatives, transmitting House Concurrent Resolution No. 2, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 18, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 2 which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, there is now pending before the Congress of the United States of America a certain Bill introduced by Hawaii's Delegate to Congress, Honorable J. K. Kalaniana'ole, which, if passed by said Congress will confer upon the Legislature of the Territory of Hawaii the power and right to amend and repeal the public land laws of Hawaii; and

WHEREAS, it is the expressed wish of the people of this Territory that the Legislature may in the near future acquire by Act of Congress the power and right to legislate for the regulation and disposition of the public lands,

THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring, that we hereby endorse the principle of said Bill and do hereby urge and recommend that Congress act favorably upon said Bill as soon as may be, believing that the final passage of said Bill will promote a broader development of the industrial pursuits and interests of this Territory, and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to each of the following persons:

The President, the President of the Senate, the Speaker of the House of Representatives and the Delegate to Congress.

RESOLVED, FURTHER, that the Secretary of the Territory of Hawaii be and the same is hereby requested to act for and on behalf of the Legislature in the transmission of certified copies of this Resolution.

The Communication was ordered received and placed on file. Senator McCarthy moved that House Concurrent Resolution No. 2 be referred to the Committee on Printing to be printed with the bills to Amend the Organic Act introduced in Congress. Seconded by Senator Woods and carried.

A Communication (No. 5) from the House of Representatives, transmitting House Concurrent Resolution No. 3, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 3 which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring:

That it denounces, as detrimental to the best interests of Hawaii, the advocacy of a Government by Commission in place of the present form of Territorial Government; and that it declares it to be the wish and desire of the people of this Territory that the form of free and popular Government of and by the people now enjoyed be continued until such time as through it, Hawaii will be prepared to take her place as one of the States of the Union.

RESOLVED, FURTHER, that copies of this Resolution be forwarded by the Secretary of Hawaii to the President, President of the Senate and Speaker of the House of Representatives of the United States of America.

The Communication was ordered received and placed on file. House Concurrent Resolution No. 3 was referred to the Committee on Judiciary.

A Communication (No. 6) from the House of Representatives, transmitting House Concurrent Resolution No. 4, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 4 which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, it is desirable that all public work done in the Territory of Hawaii should be performed by citizens of the United States or persons eligible to become citizens.

THEREFORE, BE IT RESOLVED, by the House of Representatives of the Territory of Hawaii, the Senate concurring:

THAT the Delegate to Congress be requested to introduce and advocate in Congress appropriate legislation providing that all public work undertaken by the Federal Government in this Territory, whether done by contract or otherwise, be performed by citizens of the United States or persons eligible to become citizens.

RESOLVED, FURTHER, that a copy of this Resolution be immediately forwarded to the Delegate to Congress, by the Speaker.

The Communication was ordered received and placed on file. Senator Fairchild moved that House Concurrent Resolution No. 4 be referred to the Committee on Judiciary. Seconded by Senator Quinn and carried.

A Communication (No. 7) from the House of Representatives, transmitting House Concurrent Resolution No. 5, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House

Concurrent Resolution No. 5 which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, under the authority of Section 96 of An Act to Provide a Government for the Territory of Hawaii, approved April 30, 1900, 31 Statutes at Large 141, many private rights to sea fisheries have been legally established, and

WHEREAS, it is desirable that all sea fisheries should be free and open to all the people, and

WHEREAS, the Territory is unable to make sufficient compensation upon condemnation of such rights;

THEREFORE, BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring:

That the Delegate to Congress be requested to introduce and advocate in Congress appropriate legislation providing for the condemnation and purchase of such rights to sea fisheries by the United States for the benefit of the people at large.

RESOLVED FURTHER, that a copy of this Resolution be forwarded by the Speaker to the Delegate to Congress.

The Communication was ordered received and placed on file.

Senator Kalama moved that House Concurrent Resolution No. 5 be referred to the Committee on Judiciary. Seconded by Senator Harvey and carried.

Senator Knudsen presented the Report (No. 5) of the Committee on Judiciary on Senate Bill No. 4 as follows:

Honolulu, February 19th, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom Senate Bill No. 4 was referred, entitled "An Act to Provide for Biennial Reports to the Legislature of the Territory of Hawaii by Counties," beg leave to report that they have had the same under consideration, and recommend that the same pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Coelho moved that the Report of the Committee be adopted. Seconded by Senator Brown.

Senator Kalama moved that Senate Bill No. 4 be taken up for consideration with the Report of the Committee. Seconded by Senator Fairchild.

The motion of Senator Coelho was withdrawn.

The motion of Senator Kalama was withdrawn.

Senator McCarthy moved that the Report of the Committee be laid on the table to be considered with the bill. Seconded by Senator Knudsen and carried.

Senator Knudsen presented the Report (No. 6) of the Committee on Judiciary on Senate Bill No. 16 as follows:

Honolulu, February 19th, 1909.

Honorable W. O. Smith,

President of the Senate.

Sir:—Your Committee on Judiciary, to whom Senate Bill No. 16 was referred, entitled "An Act Relating to Fishing in the Fisheries of the Sea Waters of the Territory of Hawaii," beg leave to report that they have had the same under consideration.

Your Committee is of the opinion that such an Act if made law, would not only increase the cost of Sea Food to everybody in the Territory, which would bring hardship upon the poorer especially, but would also be in direct violation of all treaty rights between the United States and other foreign countries.

Your Committee therefore recommend that the further consideration of this Bill be indefinitely postponed.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be laid on the table to be considered with the bill. Seconded by Senator Fairchild and carried.

Senator Knudsen presented the Report (No. 7) of the Committee on Judiciary on Senate Bill No. 7 as follows:

Honolulu, February 19th, 1909.

Honorable W. O. Smith,

President of the Senate.

Sir:—Your Committee on Judiciary, to whom Senate Bill No. 7 was referred, entitled "An Act Respecting Premiums paid

by Executors, Administrators, Receivers, and other similar officers, appointed or confirmed by the Courts, and to Facilitate the Giving of Bonds required or permitted by law," beg leave to report that they have had the same under consideration, and recommend that the same pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be laid on the table to be considered with the bill. Seconded by Senator Fairchild and carried.

Senator Knudsen presented the Report (No. 8) of the Committee on Judiciary on Senate Bill No. 34 as follows:

Honolulu, February 19th, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom Senate Bill No. 34 was referred, entitled "An Act to Make Certified Copies of Public Archives Receivable in Evidence," beg leave to report that they have had the same under consideration, and recommend that the same pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be laid on the table to be considered with the bill. Seconded by Senator Fairchild and carried.

Senator Knudsen presented the Report (No. 9) of the Committee on Judiciary on the Senate Bill No. 17 as follows:

Honolulu, February 19th, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 17, entitled "An Act Relating to Persons em-

ployed in the Service of the Government of the Territory of Hawaii, or any County or Municipal Sub-division thereof," beg leave to report that they have had the same under consideration, and recommend that the same pass.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be laid on the table to be considered with the bill. Seconded by Senator Fairchild and carried.

Senator Coelho moved to take up for consideration the bills reported on by the Committee on Judiciary. Seconded by Senator Chillingworth and carried.

Second Reading of Senate Bill No. 4 entitled "An Act to Provide for Biennial Reports to the Legislature of the Territory of Hawaii by Counties."

Senator Kalama moved to adopt the Report of the Committee on the bill. Seconded by Senator Coelho and carried.

Second Reading of Senate Bill No. 16 entitled "An Act Relating to Fishing in the Fisheries in the Sea Waters of the Territory of Hawaii."

Senator Coelho moved to postpone consideration until the 10th day of the Session. Seconded by Senator McCarthy.

Senator Coelho raised the point of order, while Senator Chillingworth was addressing the Senate on the motion to postpone, that a motion to postpone was not debatable.

The Chair considered the point well taken.

The motion to postpone until the 10th day of the Session, being then put, carried.

Second Reading of Senate Bill No. 7 entitled "An Act Respecting Premiums paid by Executors, Administrators, Receivers and other Similar Officers appointed or confirmed by the Courts and to Facilitate the Giving of Bonds required or permitted by Law."

Senator McCarthy moved that the Bill pass Second reading. Seconded by Senator Chillingworth and carried.

Second Reading of Senate Bill No. 34 entitled "An Act to Make Certified Copies of Public Archives Receivable in Evidence."

Senator Knudsen moved that the bill pass Second Reading. Seconded by Senator Harvey and carried.

Second Reading of Senate Bill No. 17 entitled "An Act Re-

lating to Persons Employed in the Service of the Government of the Territory of Hawaii or any County or Municipal Sub-division thereof."

Senator Fairchild moved to insert the words "or eligible to become citizens" after the word "citizens" in line 5 of Section 1. Seconded by Senator Knudsen and carried.

Senator Kalama moved that the bill pass Second Reading as amended. Seconded by Senator Coelho and carried.

Under suspension of the Rules, Senator Brown moved to Amend Rule 7, Senate Rules, to read as follows:

OFFICERS.

(1) The Officers of the Senate shall be President, Vice-President, Clerk, Assistant Clerk, Chaplain, Sergeant-at-Arms, Messenger and Janitor, who shall be elected by ballot.

(2) The first four elective officers shall require a majority vote to elect; the other officers may be elected by a plurality vote.

(3) The officers shall hold their several positions during the pleasure of the Senate.

The motion to amend was seconded by Senator Makekau and carried.

Senator McCarthy moved that the Senate proceed to the election of an Assistant Clerk. Seconded by Senator Moore and carried.

The Chair declared nominations for Assistant Clerk in order.

Senator Brown nominated Geo. K. Lowe. Seconded by Senator Baker.

Senator Quinn nominated Henry Van Gieson. Seconded by Senator Chillingworth.

Senator Brown moved that the nominations close. Seconded by Senator Baker and carried.

The Chair appointed Senator Baker to act as teller.

Geo. K. Lowe was duly elected Assistant Clerk of the Senate on the following ballot:

Geo. K. Lowe.....	8
Henry Van Gieson.....	6
Blank.....	1
	<hr/>
	15

Geo. K. Lowe was then sworn in as Assistant Clerk of the Senate by the President of the Senate.

At 2:58 o'clock, upon motion of Senator Kalama, seconded by Senator Knudsen, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FOURTH DAY.

Saturday, February 20, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After Prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Third Day was read and, upon motion of Senator Quinn, seconded by Senator Coelho, approved as read.

A Communication (No. 8) from the House of Representatives, informing the Senate of its adoption of a Resolution relating to the translation of all bills passed by the Senate, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, February 17th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii,

Gentlemen:—I have the honor to inform you that the following Resolution was this day adopted in the House of Representatives of the Territory of Hawaii:

RESOLUTION.

“BE IT RESOLVED by the House of Representatives, Session of 1909, that a message be sent to the Senate informing that Honorable Body that all Bills from the Senate shall be translated into Hawaiian before the same shall be considered by the House.”

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

Upon motion of Senator Knudsen, seconded by Senator Harvey, the Communication was ordered received and referred to the Committee on Enrollment, Revision and Printing.

A Communication (No. 9) from the House of Representatives, transmitting House Concurrent Resolution No. 7, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 7 which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives

CONCURRENT RESOLUTION.

BE IT RESOLVED by the House of Representatives of the Fifth Legislature of the Territory of Hawaii, the Senate concurring:

That in the name of the people of this Territory, a cordial invitation is extended to the members of the Congress of the United States to visit this Territory as the guests of the Territory during the year 1909.

AND BE IT FURTHER RESOLVED that the Honorable Jonah Kuhio Kalanianaʻole, Delegate to Congress from the Territory of Hawaii, be requested to personally extend this invitation to such members of the Congress of the United States as he may desire.

AND BE IT FURTHER RESOLVED that a Committee consisting of four members of the Senate and four members of the House of Representatives be appointed by the President of the Senate and the Speaker of the House, respectively, and authorized to act with the President of the Senate, the Speaker of the House, the Governor, the Secretary of the Territory, and the Delegate to Congress in arranging for all necessary matters in connection with the carrying out of the purposes of the resolution.

RESOLVED, FURTHER, that a certified copy of this resolution be transmitted by the Speaker to the Delegate to Congress.

The Communication was ordered received and placed on file. Upon motion of Senator Knudsen, seconded by Senator Coelho, the Resolution was referred to the Committee on Judiciary.

A Communication (No. 10) from the House of Representatives, transmitting House Joint Resolution No. 2, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Joint Resolution No. 2 which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

JOINT RESOLUTION.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

That as soon as may be after the approval of this resolution, the Governor appoint a commission of three members, who shall be experienced and competent persons, which commission shall thoroughly investigate and examine into the matter of fruit growing and truck farming throughout the Territory and the handling and disposal of the products derived therefrom, together with the feasibility of giving public aid thereto by providing assistance in the matter of refrigeration, packing, transportation, marketing or any like subject. The conclusions reached by such commission shall be embodied in a report to be made by them to the Governor not later than July 1, 1910, together with their recommendations as to legislation if such is needed, which report shall be laid before the next Legislature by the Governor.

The Communication was ordered received and placed on file. First Reading of House Joint Resolution No. 2.

Senator Coelho moved that the Joint Resolution pass First Reading and be referred to the Committee on Enrollment, Revision and Printing. Seconded by Senator McCarthy and carried.

Senator Brown presented the Report (No. 10) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 28, 30, 31, 32, 39, 19, 18 and 20, as follows:

Honolulu, T. H., February 20, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bills Nos. 28, 30, 31, 32, 39, 19, 18 and 20 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Baker offered the following Resolution (No. 8) relating to an appropriation of \$18,500.00 for a New Wharf at Napoopoo, Kona, Hawaii:

SENATE CHAMBER,

Honolulu, T. H., February 20th, 1909.

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii that the sum of \$18,500.00 be inserted in the Loan Bill or Appropriation Bill for the construction of a new wharf at Napoopoo, South Kona, Hawaii.

Introduced by

DAVID K. BAKER,
Senator 1st District.

Senator Baker moved that the Resolution be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Brown and carried.

Senator Baker offered the following Resolution (No. 9) asking for Appropriations amounting to \$10,000.00 for Waiohinu Concrete Court House and Waiohinu Jail:

SENATE CHAMBER,

Honolulu, T. H., February 20th, 1909.

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii that the following sum be inserted in the Loan Bill or Appropriation Bill, viz:—

Waiohinu Court House Concrete.....	\$ 8,500.00
Waiohinu Jail	1,500.00
	<hr/>
	\$10,000.00

Introduced by

DAVID K. BAKER,

Senator 1st District.

Senator Baker moved that the Resolution be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Coelho and carried.

The Chair here announced the following as the Select Committee on Taxation: Senators Fairchild, Robinson, Woods, Harvey and Quinn.

Senator Baker gave notice of intention to introduce a Bill entitled "An Act to Provide for the Service of Process in Judicial and Administrative Suits and Proceedings against Corporations."

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 4 entitled "An Act to Provide for Biennial Reports to the Legislature of the Territory of Hawaii by Counties."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of Senate Bill No. 7 entitled "An Act Respecting Premiums paid by Executors, Administrators, Receivers and other similar officers appointed or confirmed by the Courts, and to Facilitate the Giving of Bonds required or permitted by Law."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of Senate Bill No. 17 entitled "An Act Re-

lating to Persons employed in the Service of the Government of the Territory of Hawaii or any County or Municipal Sub-division thereof."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of Senate Bill No. 34 entitled "An Act to Make Certified Copies of Public Archives Receivable in Evidence."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 1 entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1909 from the Public Treasury."

Senator Knudsen moved that the Bill pass Second Reading. Seconded by Senator Brown and carried.

Second Reading of Senate Bill No. 18 entitled "An Act to Amend Sections 1321 and 1323 of Chapter 102 of the Revised Laws of Hawaii."

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 19 entitled "An Act to Amend Sections 1380 and 1381 of the Revised Laws of Hawaii, Relating to Lodging or Tenement Houses, Hotels, Boarding Houses and Restaurants."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 20 entitled "An Act to Amend Sections 1212 and 1225 of the Revised Laws of the Territory of Hawaii, Relating to the Rate Per Cent. for Property Taxation."

Referred to the Select Committee on Taxation.

Second Reading of Senate Bill No. 28 entitled "An Act to Amend Section 1647 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 30 entitled "An Act Relating to Fines and Costs."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 31 entitled "An Act to Amend Section 1381 of the Revised Laws."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 32 entitled "An Act to Repeal Act 54, Session Laws of 1905, and Re-enact Act 39 entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof,' Amending Sections 27, 39, 61 and 62 of said Act."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 39 entitled "An Act to Amend Section 491 of the Revised Laws, Relating to the Purposes for which Private Property may be taken for Public Uses."

Referred to the Committee on Judiciary.

Senator Knudsen gave notice of intention to introduce a Bill entitled "An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws and to add a New Section to be known as Section 2429A to the Revised Laws, Relating to the Court of Land Registration."

Under suspension of the Rules, Senator Knudsen introduced a Bill (S. B. No. 41) entitled "An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws and to add a New Section to be known as Section 2429A to the Revised Laws, Relating to the Court of Land Registration."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 10:55 o'clock the Chair announced a recess of 5 minutes.

At 11 o'clock the Senate reconvened, proceeding with the consideration of the Message (No. 2) of the Governor, relating to Appointments subject to confirmation by the Senate.

Senator McCarthy offered the following Resolution (No. 10) relating to the Message (No. 2) of the Governor:

SENATE CHAMBER.

Honolulu, February 20th, 1909.

RESOLUTION.

RESOLVED, That the Message of the Governor, No. 2, Relating to Appointments, be laid on the table, and that five (5) days' notice shall be given before the same shall be taken up for consideration.

C. J. MCCARTHY,
Senator from Third District.

Senator McCarthy moved that the Resolution be adopted.

Seconded by Senator Woods and carried.

Senator Fairchild moved that Governor's Message No. 3 be referred to the Committee on Ways and Means. Seconded by Senator McCarthy and carried.

At 11:02 o'clock Senator Knudsen moved to adjourn until Tuesday morning, February 23rd, 1909, at 10 o'clock. Seconded by Senator Woods and carried.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTH DAY.

Tuesday, February 23rd, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Fourth Day was read and, upon motion of Senator Brown, seconded by Senator Coelho, approved as read.

A Communication (No. 11) from the House of Representatives, returning Senate Concurrent Resolution No. 3, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to return herewith Senate Concurrent Resolution No. 3, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 12) from the House of Representatives, returning Senate Concurrent Resolution No. 4, was read by the Clerk as follows:

SENATE JOURNAL.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 19th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to return herewith Senate Concurrent Resolution No. 4, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 13) from the House of Representatives, transmitting House Concurrent Resolution No. 6, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 19th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 6, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, this Territory has a large population of Japanese living here in friendly association with the citizens of the Territory, and forming a valuable element in the industrial prosperity of the Islands, and

WHEREAS, the cordiality of relations between the Japanese and American peoples has been endangered by the attempts of certain legislative agitators to force enactment of laws prejudicial to the rights of Japanese in some sections of the country;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII, that we express

our approval of the fair and patriotic attitude of President Roosevelt in using his strong influence to prevent such legislation and, by continuing fair and friendly treatment, to preserve the amicable relations so long existing between Japan and the United States, and we congratulate the Legislatures of neighboring States for having, by substantial majorities, defeated all laws of the undesirable character above referred to.

RESOLVED FURTHER, that a copy of this Resolution be forwarded by the Secretary of the Territory to the President of the United States;

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to His Imperial Japanese Majesty's Consul General at Honolulu.

The Communication was ordered received and placed on file.

Senator McCarthy moved that House Concurrent Resolution No. 6 be Indefinitely Postponed. Seconded by Senator Harvey.

Senator Fairchild moved that the Resolution be referred to the Committee on Judiciary. Seconded by Senator Chillingworth.

The motion to refer the Resolution to the Committee on Judiciary was then put and carried on a vote of 7 to 7, the Chair voting in favor of the motion.

A Communication (No. 14) from the House of Representatives, transmitting House Concurrent Resolution No. 8, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 20th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 8, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED by the House of Representatives of the Legislature of the Territory of Hawaii, the Senate concurring:

That the Secretary of Hawaii be, and he is hereby authorized, empowered and directed to arrange to have printed, in Hawaiian, in book forms or signatures, seventy-five copies of all Acts passed by this Legislature as soon as may be after the same have become law, and to distribute one copy thereof to each member of the Legislature; all expenses connected with the performance of these duties imposed upon the Secretary shall be charged against and paid for out of the moneys in the Treasury of the Territory appropriated for the expenses of this Legislature.

The Communication was ordered received and placed on file. Senator Kalama moved that House Concurrent Resolution No. 8 be referred to the Committee on Ways and Means. Seconded by Senator Chillingworth.

Senator Coelho moved as an amendment that the Resolution be referred to the Committee on Military and Public Expenditures. Senator Kalama accepted the amendment which carried.

A Communication (No. 15) from the House of Representatives, transmitting House Bill No. 33, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 20th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 33, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 33, entitled "An Act to Make Special Appropriations to Compensate for the Taking by the Board of Health, during the year 1907, of the Property of Certain Persons on the Federal Reservation, County of Kalawao."

Senator Kalama moved that the Bill pass First Reading. Seconded by Senator Coelho and carried.

A Communication (No. 6) from J. Kalanianaʻole, Delegate to Congress, suggesting the inviting of a Congressional Party to visit Hawaii, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES, U. S.,

WASHINGTON, D. C.

February 5th, 1909.

President of the Hawaiian Senate,
Honolulu, T. H.

Dear Sir:—Two years ago the Territorial Legislature did me the honor to carry out my suggestion of inviting a party of Congressmen to visit Hawaii, and provided an appropriation of \$15,000 for that purpose.

The benefits to the Territory from the former congressional party have been so substantial that it would seem to be a matter of sound policy to provide for the coming of another congressional party during this summer. I therefore have the honor to suggest that I be given authority to invite another selected list of Congressmen to visit Hawaii this year as the guests of the Territory.

The appropriation of two years ago was made to reach as far as it did because we had the good fortune to secure reduced railroad rates, and also because we were successful in securing ocean passage on the army transports. In view of the fact that we may not be able to avail ourselves of either of these two economies this year, it might be advisable to have some increase over the appropriation of 1907. We will of course endeavor to secure the same inexpensive transportation for the party as was secured two years ago, but cannot be certain in regard to it at this time.

Trusting that this suggestion will meet with the approval of the Legislature, I have the honor to remain,

Yours very truly,

J. KALANIANAʻOLE,
Delegate to Congress.

The Communication was ordered referred to the Committee on Judiciary.

Senator Brown presented the Report (No. 11) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 21, 22, 35, 36, 40 and 29 as follows:

Honolulu, T. H., February 23rd, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bills Nos. 21, 22, 35, 36, 40 and 29 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen presented the Report (No. 12) of the Committee on Judiciary on House Concurrent Resolution No. 4, as follows:

SENATE CHAMBER,

Honolulu, February 23rd, 1909.

Hon. William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom House Concurrent Resolution No. 4 was referred, beg leave to report that they have had the same under careful consideration.

The object of the Resolution is that the Delegate to Congress be requested to introduce and advocate in Congress appropriate legislation providing that all public work undertaken by the Federal Government in this Territory, whether done by contract or otherwise, be performed by citizens of the United States or persons eligible to become such.

We recommend that the Resolution be adopted.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator McCarthy, seconded by Senator Brown, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 13) of the Com-

mittee on Judiciary on House Concurrent Resolution No. 5, as follows:

SENATE CHAMBER,

Honolulu, February 23rd, 1909.

Hon. William O. Smith,
President of the Senate.

Sir:—Your committee on Judiciary, to whom House Concurrent Resolution No. 5 was referred, begs leave to report that they have had the same under careful consideration.

The object of the Resolution is that the Delegate to Congress be requested to introduce and advocate in Congress appropriate legislation providing for the condemnation and purchase of all private rights to sea fisheries by the United States for the benefit of the people at large.

We recommend that the Resolution be adopted.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Coelho, seconded by Senator McCarthy, action on the Report of the Committee was deferred until the 10th day of the Session.

Senator Knudsen reported verbally for the Committee on Judiciary on House Concurrent Resolution No. 7, recommending that the same be adopted.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the report of the Committee was adopted.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Amend Section 550 of the Revised Laws, Relating to Fees and Charges for Pilotage of the Port of Honolulu."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 42) entitled "An Act to Amend Section 550 of the Revised Laws of Hawaii, Relating to Fees and Charges for Pilotage of the Port of Honolulu."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho offered the following Resolution (No. 11) relating to Senate Resolution No. 46, adopted May 1, 1907:

RESOLUTION.

WHEREAS, by the provisions of Senate Resolution No. 46 adopted the 1st day of May, 1907, the Chief Justice of the Judiciary Department of the Territory of Hawaii was requested to direct the Clerks of the several Circuit Courts to forthwith examine all records of their respective Courts and report to said Justice all probate cases and matters which are still pending and which should be terminated, and to append to such report the cause of failure to determine and close such proceedings where neglect is apparent; and to submit said reports to the Legislature of 1909 with such recommendations as the said Justice or his Associates may deem proper to make; and,

WHEREAS, the report of the Chief Justice to the Legislature of 1909 is received, and does not give any report of the matters and things specially requested by said Resolution, although, Governor Walter F. Frear and Chief Justice A. S. Hartwell, both assured the introducer of the said Resolution, on July 30th, 1908, that the report would be ready at the time called for;

THEREFORE, BE IT RESOLVED, that the Chief Justice be reminded of the matters and things required in said Resolution. and that a copy of said Resolution appended to a copy of this Resolution duly certified, be submitted by the Clerk of this Senate, with a request that the matters and things required in said Resolution be made out and submitted to the Senate not later than March 20th, 1909.

W. J. COELHO,

Senator 2nd District.

Senate Chamber,

Honolulu, February 23rd, 1909.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Chillingworth and carried.

Senator Kalama gave notice of intention to introduce a Bill entitled "An Act to Enable Persons Attaining the Age of Twenty-one Years on or Before the Day of Any General Election to Register."

Under suspension of the Rules, Senator Kalama introduced a Bill (S. B. No. 43) entitled "An Act to Enable Persons Attaining the Age of Twenty-one Years on or Before the Day of Any General Election to Register."

The bill was read by title and, upon motion of Senator Kalama, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho offered the following Resolution (No. 12) relating to the Salaries of the Officers of the Senate:

SENATE CHAMBER,

Honolulu, T. H., February 23rd, 1909.

RESOLUTION.

RESOLVED, that the following amounts be allowed as salaries for the officers of the Senate:

Clerk	\$12.00 per diem;
Assistant Clerk	5.00 "
Sergeant-at-Arms	5.00 "
Messenger	3.00 "
Janitor	3.00 "

Chaplain, \$200.00 in full for the session of the Senate.

W. J. COELHO,

Senator 2nd District.

The Senate proceeded with the consideration of the Resolution item by item:

"Clerk, \$12.00 per diem." Passed as read.

"Assistant Clerk, \$5.00 per diem."

Senator Makekau moved to amend so as to read "Assistant Clerk, \$8.00 per diem." Seconded by Senator Coelho and carried.

"Sergeant-at-Arms, \$5.00 per diem." Passed as read.

"Messenger, \$3.00 per diem." Passed as read.

"Janitor, \$3.00 per diem." Passed as read.

"Chaplain, \$200.00 in full for the Session of the Senate."

Upon motion of Senator Woods, seconded by Senator Fairchild the item passed at \$150.00.

Senator Makekau moved that the Resolution be adopted as amended. Seconded by Senator Kalama and carried.

Senator Coelho offered the following Resolution (No. 13) requesting the Governor to Demand the Resignation of C. R. Hemenway, Esq., Attorney General of the Territory of Hawaii:

RESOLUTION.

WHEREAS, on December 26th, 1908, a communication was addressed to the Attorney General of the Territory requesting legal assistance in matters of proposed legislation, among which was the "Act relating to fishing in the fisheries in the sea waters of the Territory of Hawaii," said communication being

based upon two petitions signed by citizens of Lahaina and Wailuku, Maui, and which have since been forwarded to Congress through the Honorable J. K. Kalanianaʻole; and was further based upon the belief, that as a legislator and a member of the legislative branch of the government of the Territory of Hawaii, the Attorney General was the proper authority to counsel with and be advised in the interest of the public service; and

WHEREAS, without even acknowledging receipt of said communication, although he has drafted one of the measures suggested therein and has since been introduced as Senate Bill No. 16, and although one consultation was had on the four subjects mentioned in said communication, at which doubts were expressed as to the propriety and constitutionality of the proposed act relating to fishing, etc., the said Attorney General promising, however, to look into the matter and render an opinion before the opening of the present session of the Legislature, upon which opinion depended the action contemplated; and

WHEREAS, instead, however, of giving the opinion in the manner most proper and becoming the dignity of the office, and without regard to the official position of a legislator, and in utter disregard of the feelings of a member of this Senate, more particularly, the writer of the communication above mentioned, said Attorney General, gave out to the press his opinion on the matter under advisement in such a way as to impress the reporters that there was anti-Japanese sentiment strongly urging unscrupulous and discriminating legislation against a class of thrifty and industrious aliens, thereby causing libelous articles to appear constantly in newspapers from January 13, 1909, to this day, in which publications the member of this Senate who is mentioned in said communication has been ridiculed and called very atrocious names; and

WHEREAS, there being other very important matters to be consulted with the said Attorney General which has since been submitted to him in writing, another communication was addressed to the said Attorney General by and through his Deputy, Judge W. L. Whitney, (a few days after the first ridicule which appeared in the P. C. Advertiser of January 13, 1909), in which, special request was made not to divulge any matter which might be requested without permission therefor; and

WHEREAS, by reason of the discourtesy of the Attorney General and the constant "nagging and harping" of the press, His Imperial Japanese Majesty's Consul General has been led to believe that there is really a strong desire to discriminate against his people, and has so reported to his government; and

WHEREAS, because of the utter disregard and lack of courtesy displayed, a request for legal advice and opinion on the subject was sent to the United States Attorney General, on January 22, 1909, with a full statement of the case and action of the Attorney General of Hawaii, in which it was stated, that the proposed measure would be introduced if the opinion is not received before the opening day of the present session of the Legislature; and that, the measure would be disposed of according to the opinion and counsel received; and

WHEREAS, by reason of the indiscrete manner in which this important question was allowed undue publicity, threats of personal injury have been made, necessitating constant vigilance and care in mingling with Orientals;

THEREFORE, BE IT RESOLVED, that the Governor of this Territory be and is hereby requested to demand the resignation of C. R. Hemenway, Esq., Attorney General of the Territory of Hawaii.

W. J. COELHO,
Senator 2nd District.

Senate Chamber,
Honolulu, February 23rd, 1909.

Upon motion of Senator Kalama, seconded by Senator Harvey, the Resolution was referred to the Committee on Judiciary.

Senator Quinn gave notice of intention to introduce a Bill entitled "An Act Amending Section 391 of the Revised Laws of Hawaii, Relating to Commissioners of Fences."

Under suspension of the Rules, Senator Quinn introduced a Bill (S. B. No. 44) entitled "An Act Amending Section 391 of the Revised Laws of Hawaii, Relating to Commissioners of Fences."

The bill was read by title and upon motion of Senator Quinn, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Baker introduced a Bill (S. B. No. 45) entitled "An Act to Provide for the Service of Process in Judicial and Administrative Suits and Proceedings against Corporations."

The bill was read by title and, upon motion of Senator Baker, seconded by Senator Makekau, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Baker offered the following Resolution (No. 14) relating to an appropriation of \$24,000.00 for Building of New Road between Keamuku and the Volcano House, Island of Hawaii:

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii that the sum of \$24,000.00 be inserted in the loan bill or appropriation bill for the building of a new road between Keamuku and the Volcano House in the District of Kau, Hawaii.

Introduced by

DAVID K. BAKER,

Senator, 1st District.

February 23rd, 1909.

Upon motion of Senator Baker, seconded by Senator Knudsen, the Resolution was laid on the table to be considered with the Appropriation Bill.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 1 entitled "An Act to appropriate money for the Purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1909, from the Public Treasury."

The bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not present: Senator Chillingworth—1.

Seconding Reading of Senate Bill No. 21 entitled "An Act Relating to the Rate Per Cent for Income Taxation and Amending Sections 1278, 1279, 1281 and 1283 of the Revised Laws of the Territory of Hawaii, as Amended by Act 87 of the Session Laws of 1905."

Referred to the Select Committee on Taxation.

Second Reading of Senate Bill No. 22 entitled "An Act Relating to the Rate Per Cent. for Inheritance Taxation, and Amending Act 102 of the Session Laws of 1905."

Referred to the Select Committee on Taxation.

Second Reading of Senate Bill No. 29 entitled "An Act to Amend Act 119 of the Sessions Laws of 1907, entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.'"

Upon motion of Senator Moore, seconded by Senator Woods, the Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 35 entitled "An Act to Amend Section 1644 of the Revised Laws as Amended by Act

34 of the Laws of 1905 and Act 50 of the Laws of 1907, Relating to the terms of the Circuit Courts."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 36 entitled "An Act to Amend Sections 2230, 2235 and 2240 of the Revised Laws, Relating to Divorce, and to add a New Section thereto to be known as Section 2235A."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 40 entitled "An Act to Amend Section 5 of Act 116 of the Session Laws of 1907, Relating to Hunting with Firearms."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

A Communication (No. 16) from the House of Representatives, returning Senate Bill No. 1, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 23rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 1, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

At 11:09 o'clock, Senator Brown moved to take a recess until 2 o'clock. Seconded by Senator Woods and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 3) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate that the Governor had signed Act 1, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., February 23, 1909

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—It affords me pleasure to inform your Honorable Body that the Governor has this day at 11:45 a. m. signed Act 1, Senate Bill No. 1, entitled:

“An Act to Appropriate Money for the Purpose of Defraying the expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the Year 1909.”

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 17) from the House of Representatives, transmitting House Concurrent Resolution No. 9, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 18th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 9, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED by the Legislature of the Territory of Hawaii;

That the Secretary of Hawaii be, and he is hereby authorized, empowered and directed to have printed all Acts passed by this Legislature as soon as may be after the same have become law, and to distribute in book forms or signatures, a copy thereof, to each member of the Legislature; said Secretary shall also have begun at once the preparation of an index of such laws, and shall arrange to have the same finished so that the completed work of this Legislature may be published in book form, and with a proper index, with as little delay as possible after the adjournment sine die of the Legislature; all expenses connected with the performance of the duties hereby imposed upon the Secretary and with the promulgation of the laws, may be charged against, and paid for by him out of the moneys appropriated for the expenses of this Legislature by the Congress of the United States.

The Communication was ordered received and placed on file. Upon motion of Senator Knudsen, seconded by Senator Kalamā, House Concurrent Resolution No. 9 was referred to the Committee on Accounts.

Senator Brown presented the Report (No. 14) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 5 as follows:

Honolulu, T. H., February 23rd, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bill No. 5 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.
E. W. QUINN,
C. J. MCCARTHY.

The Report of the Committee was ordered received and placed on file.

Second Reading of Senate Bill No. 5 entitled "An Act to Provide for Elections in the Territory of Hawaii, and the Various Sub-divisions thereof."

Upon motion of Senator McCarthy, seconded by Senator Chillingworth, the Bill was referred to a Select Committee of five to be appointed by the Chair, and to be called the Select Committee on Election Laws.

Under suspension of the Rules, Senator Fairchild presented the Report (No. 15) of the Committee on Ways and Means on Senate Bill No. 37 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 23rd, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 37, entitled "An Act to Repeal Section 3018 of the Revised Laws, Relating to the Circulation of Commercial Paper," begs leave to report that it has had the same under careful consideration.

As this Bill seeks to amend one of the existing sections of the Revised Laws, your Committee is of the opinion that the same should have been referred to the Committee on Judiciary.

We therefore recommend that Senate Bill No. 37 be referred to the Committee on Judiciary.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.
E. W. QUINN,
W. J. COELHO,
H. T. MOORE,
JOHN T. BROWN.

Senator Knudsen moved that the Report of the Committee be adopted. Seconded by Senator Quinn and carried.

Senator Fairchild presented the Report (No. 16) of the Committee on Ways and Means on Senate Bill No. 38 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 23, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 38, entitled "An Act to Encourage Diversified Industries," begs leave to report that they have had the same under careful consideration.

The object of the Bill is to exempt from taxation for a period of five years from December 31, 1909, all property, real and

personal, solely and actually used in the cultivation and production of cotton.

We recommend that the Bill pass.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

E. W. QUINN,
W. J. COELHO,
H. T. MOORE,
JOHN T. BROWN.

Upon motion of Senator McCarthy, seconded by Senator Chillingworth, the Report of the Committee was adopted.

Senator Knudsen gave notice of intention to introduce a Bill entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other means, by Raising and Appropriating the Necessary Funds therefor."

Under suspension of the Rules, Senator Knudsen introduced a Bill (S. B. No. 46) entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by Raising and Appropriating the Necessary Funds therefor."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 2:13 o'clock, upon motion of Senator Coelho, seconded by Senator Quinn, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

SIXTH DAY.

Wednesday, February 24, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain the Roll was called showing Senator Chillingworth absent.

The Journal of the Fifth Day was read and, upon motion of Senator Quinn, seconded by Senator Brown, approved as read.

At 10:15 o'clock, a Message (No. 5) from the Governor, recommending that an item for a Laboratory for the investigation and treatment of Leprosy, at Honolulu, be inserted in the Appropriation Bill, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

TERRITORY OF HAWAII,

Executive Chamber,

Honolulu, T. H., February 24, 1909.

To the Legislature:

In my first message to your honorable body I stated that arrangements had been made by which a considerable portion of the appropriation made by Congress for the scientific investigation of leprosy may be used at Honolulu and elsewhere in the Territory in cooperation with the work of the Territorial Board of Health, but that it would be necessary for the Territory to provide the necessary quarters for such work. It was planned to include an estimate for such quarters in the estimates for the next biennial period, but reasons now appear for including it in the estimates for further appropriations for the current period. So far as the cost to the Territory is concerned, it is immaterial in which bill the item is included, and unless the appropriation is made at an early date it is more than likely that this beneficent work cannot be begun until long after the commencement of the next period. I therefore recommend that an item for a laboratory for the investigation and treatment of leprosy at Honolulu be inserted in the appropriation bill now before your honorable body for the further needs of the present period. Probably five thousand dollars will be sufficient.

WALTER F. FREAR,
Governor of Hawaii.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Message was referred to the Committee on Ways and Means.

A Communication (No. 4) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing by the Governor of Act 2, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., February 23, 1909.

Honorable W. O. Smith,
President of the Senate.
Legislature of Hawaii,
Honolulu.

Sir:—It affords me pleasure to inform your Honorable Body that the Governor has this day at 2:02 p. m. signed Act 2, House Bill No. 1, entitled:

An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the Year 1909 from the Public Treasury.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. Senator Coelho presented a Petition (No. 7) from Guards and Nurses at the Insane Asylum, praying for an increase in salary, as follows:

Honolulu, T. H., February 23rd, 1909.

Hon. W. O. Smith,
President of the Senate, and

Hon. W. J. Coelho,
Chairman of the Committee of Public Health,
Senate, Territory of Hawaii.

Gentlemen:—Owing to the steadily increasing number of patients admitted into the Insane Asylum, now numbering 217, and owing to the unusual long hours of work performed by the guards and nurses at this institution, in that they have to work

alternately in eight-hour shifts, including Sundays, and further owing to the constant danger of vicious attacks to which they are always exposed, we, the undersigned guards and nurses of the Insane Asylum, respectfully ask your honorable body for an increase of our salaries from \$50.00 to \$65.00 per month for the guards and from \$40.00 to \$50.00 per month for the nurses.

Believing that we are justified in our petition and praying that it will be granted, we remain,

Your most obedient servants,

(17 Signatures)

The Petition was referred to the Committee on Public Health.

Senator Brown presented the Report (No. 17) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 42, 43, 44, 45 and 46 as follows:

Honolulu, T. H., February 24, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bills Nos. 42, 43, 44, 45 and 46 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McARTHUR.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 18) of the Committee on Ways and Means on Governor's Message No. 4, as follows:

SENATE CHAMBER,

Honolulu, T. H., February 24, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means, to whom was referred Governor's Message No. 4, submitting estimates for appropriations to compensate for the taking by the Board of Health, during the year 1907, of the property of certain persons

on the Federal Reservation in the County of Kalawao, begs leave to report that it has had the same under careful consideration.

Your Committee finds that the claims of the persons mentioned in the Schedule transmitted with the Message are just, and that appropriations should be made to cover the same.

House Bill No. 33, now before the Senate on Second Reading, makes the appropriations recommended in this Message, and your Committee would therefore recommend that Governor's Message No. 4 be laid upon the table to be considered with House Bill No. 33.

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

E. W. QUINN,

W. J. COELHO,

JOHN T. BROWN,

H. T. MOORE.

Upon motion of Senator Kalama, seconded by Senator Woods, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 19) of the Committee on Judiciary on Senate Bill No. 39, as follows:

SENATE CHAMBER,

Honolulu, T. H., February 24th, 1909.

Hon. W. O. Smith,

President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 39, entitled "An Act to Amend Section 491 of the Revised Laws Relating to the Purposes for which Private Property may be taken for Public Uses," begs leave to report that it has had the same under careful consideration.

Section 491 of the Revised Laws of Hawaii gives the Territory the power to take Private Lands for certain Public Purposes. The object of the Amendment is to give the Territory the additional power to take Private Lands for Schools and School Recreation Grounds.

We believe the object of the Bill a proper one, as the Territory should have such powers, and therefore recommend that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Woods the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 20) of the Committee on Judiciary on Senate Bill No. 32, as follows:

SENATE CHAMBER,

Honolulu, T. H., February 23, 1909.

Hon. W. O. Smith,

President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 32, entitled "An Act to Repeal Act 54, Session Laws of 1905, and Re-enact Act 39, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof,' Amending Sections 27, 39, 61 and 62 of said Act," beg leave to report that it has had the same under careful consideration.

The object of the Bill is to put the Tax Assessors and Collectors under the Counties.

We recommend that the Bill be re-referred to the Select Committee on Taxation.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Kalama, the Report of the Committee was adopted.

The Chair here appointed the following as the Select Committee on Election Laws: Senators McCarthy, Chillingworth, Knudsen, Kalama and Makekau.

Senator Robinson offered the following Resolution (No. 15) relating to an Appropriation of \$100,000.00 for Kula Water Pipe Line, District of Makawao, Island of Maui:

SENATE CHAMBER,

Honolulu, T. H., February 24th, 1909.

RESOLUTION.

RESOLVED, that the sum of \$100,000.00 be inserted in the appropriation or loan bill for the Kula Pipe Line, Makawao District, Maui.

W. T. ROBINSON,

Senator 2nd District.

Upon motion of Senator Robinson, seconded by Senator Coelho, the Resolution was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Robinson offered the following Resolution (No. 16) relating to an Appropriation of \$40,000.00 for Improvement and Extension of Wailuku-Kahului Water Works, Island of Maui:

SENATE CHAMBER,

Honolulu, T. H., February 24th, 1909.

RESOLUTION.

RESOLVED, that the sum of \$40,000.00 be inserted in the appropriation or loan bill for the extension and improvement of the Wailuku-Kahului Water Works, Wailuku, Maui.

W. T. ROBINSON,
Senator 2nd District.

Upon motion of Senator Robinson, seconded by Senator Coelho, the Resolution was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Harvey offered the following Resolution (No. 17) relating to an Appropriation of \$15,000.00 for the Extension of School Street to Kamehameha IV. Road, Kalihi, Honolulu:

SENATE CHAMBER.

Honolulu, T. H., February 24th, 1909.

RESOLUTION.

RESOLVED, that the sum of \$15,000.00 be inserted in the appropriation bill for the extension of School Street to the Kamehameha IV Road.

F. R. HARVEY,
Senator 3rd District.

Upon motion of Senator Harvey, seconded by Senator Coelho, the Resolution was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Harvey offered the following Resolution (No. 18) relating to an Appropriation of \$8,590.00 for a Pipe Line to the Kaiulani Tract, Kalihi, Honolulu:

SENATE JOURNAL.

SENATE CHAMBER,

Honolulu, T. H., February 24th, 1909.

RESOLUTION.

RESOLVED, that the sum of \$8,590.00 be inserted in the appropriation bill for a pipe line for supplying the residents of Kalihi Valley in what is known as "Kaiulani Tract" with water.

F. R. HARVEY,
Senator 3rd District.

Upon motion of Senator Harvey, seconded by Senator Coelho, the Resolution was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Coelho offered the following Resolution (No. 19) relating to an Appropriation of \$20,000.00 for Pauwela and Paia Pipe Line, District of Makawao, Island of Maui:

SENATE CHAMBER,

Honolulu, T. H., February 24th, 1909.

RESOLUTION.

RESOLVED, that the sum of \$20,000.00 be inserted in the appropriation or loan bill for the Pauwela and Paia Pipe Line, Makawao District, Maui.

W. J. COELHO,
Senator 2nd District.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Resolution was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Coelho offered the following Resolution (No. 20) relating to an Appropriation of \$25,000.00 for a new courthouse at Lahaina, Island of Maui:

SENATE CHAMBER,

Honolulu, T. H., February 24th, 1909.

RESOLUTION.

RESOLVED, that the sum of \$25,000.00 be inserted in the appropriation or loan bill for a new court house at Lahaina, Maui.

W. J. COELHO,
Senator 2nd District.

Upon motion of Senator Coelho, seconded by Senator Kalamā, the Resolution was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Provide for the Appointment of Bail Commissioners in the Several Judicial Circuits of the Territory of Hawaii."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 47) entitled "An Act to Provide for the Appointment of Bail Commissioners in the Several Judicial Circuits of the Territory of Hawaii."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Brown offered the following resolution (No. 21) relating to an Appropriation of \$91,345.00 for school accommodations on the Island of Hawaii:

RESOLUTION.

WHEREAS, the school accommodations on the Island of Hawaii are entirely inadequate for the large and ever increasing number of children of school age, and the Territorial Government having sole and exclusive charge of all school property and public instruction, such matters are entitled for first consideration by the Legislature;

THEREFORE BE IT RESOLVED by the Senate that the sum of Ninety-One Thousand Three Hundred and Forty-Five Dollars be appropriated out of any funds in the Treasury not otherwise appropriated, to be divided as follows:

NEW BUILDINGS, HAWAII.

NORTH HILO	Hilo.....	14 room school building..	\$60,000.00
	Papaikou.....	3 room addition.....	4,500.00
	Laupahoehoe..	3 room addition.....	4,500.00
	Pohakupuka..	2 room school building..	3,000.00
	Hakalau.....	2 room addition.....	3,000.00
PUNA	Honolulu.....	1 room addition.....	1,500.00
	Pahoa.....	1 room addition.....	1,500.00
	Olaa 2 miles...	1 room addition.....	1,500.00
	Mt. View....	1 room addition.....	1,500.00
	Opihikao.....	1 room school with teacher's apartments..	2,000.00
KONA	Napoopoo.....	1 room addition.....	1,500.00
	Konawaena...	1 room addition.....	1,500.00
KOHALA	Mahukona...	1 room school building..	1,500.00

FURNITURE AND FIXTURES.

NORTH HILO	Hononu	250.00
	Pepeekeo	250.00
	Pohakupuka	300.00
SOUTH HILO	Kaumana	250.00
PUNA	Olaa 9 miles.....	342.00
	Olaa 12 miles.....	228.00
KONA	Holualoa	380.00
	Keauhou	250.00
KOHALA	Makapala	265.00
	Honoipu	55.00
	Kaapahu	250.00
HAMAKUA	Ahualoa	350.00
	Kaauhuhu	125.00
	Kukuihaele	250.00
	Waipio	300.00
		<hr/>
		\$91,345.00

JOHN T. BROWN,
Senator, 1st District.

Honolulu, February 24, 1909.

Upon motion of Senator Brown, seconded by Senator Coelho, the Resolution was referred to the Committee on Education.

Senator Baker offered the following Resolution (No. 22) relating to an Appropriation of \$22,500.00 for a new road from Kukuihaele to Waipio Valley, District of Hamakua, Island of Hawaii:

SENATE CHAMBER,

Honolulu, T. H., February 24th, 1909.

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii, that the sum of \$22,500.00 be inserted in the loan bill or the appropriation bill for building a new road from Kukuihaele down to the valley of Waipio in the District of Hamakua, Hawaii.

Introduced by

DAVID K. BAKER,
Senator, 1st District.

Senator Baker moved that the Resolution be referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc. Seconded by Senator Knudsen.

Senator Makekau moved that the Resolution be referred to a Select Committee to consist of the Members from the Island of Hawaii. Seconded by Senator Brown.

The motion to refer the Resolution to a Select Committee to consist of the members from the Island of Hawaii was then put and carried.

Senator Coelho offered the following Resolution (No. 23) relating to an Appropriation of \$584.00 to pay Claim of A. P. McDonald for extras performed in the construction of the Wailuku Courthouse:

SENATE CHAMBER,

Honolulu, T. H., February 24th, 1909.

RESOLUTION.

RESOLVED, that the sum of \$584.00 be inserted in the emergency appropriation bill for the payment of the claim of A. P. McDonald for extras by him performed in the construction of the Wailuku Court House.

W. J. COELHO,

Senator, 2nd District.

The Resolution was ordered referred to the Committee on Ways and Means.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 38 entitled "An Act to Encourage Diversified Industries."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 33 entitled "An Act Making Special Appropriations to Compensate for the Taking by the Board of Health during the year 1907, of the Property of Certain Persons on the Federal Reservation, County of Kalawao."

Upon motion of Senator Kalama, seconded by Senator Brown, the Bill passed Second Reading.

Second Reading of Senate Bill No. 42 entitled "An Act to Amend Section 550 of the Revised Laws of Hawaii, Relating to Fees and Charges for Pilotage of the Port of Honolulu."

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 43 entitled "An Act to Enable Persons Attaining the Age of Twenty-one Years on or Before the Day of Any General Election to Register."

Upon motion of Senator Fairchild, seconded by Senator Kalama, the Bill was referred to the Select Committee on Election Laws.

Second Reading of Senate Bill No. 44 entitled "An Act Amending Section 391 of the Revised Laws of Hawaii Relating to Commissioners of Fences."

Upon motion of Senator Kalama, seconded by Senator Mahekeau, the Bill was referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 45 entitled "An Act to Provide for the Service of Process in Judicial and Administrative Suits and Proceedings Against Corporations."

Upon motion of Senator Kalama, seconded by Senator Fairchild, the Bill was referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 46 entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other means by Raising and Appropriating the Necessary Funds therefor."

Upon motion of Senator Knudsen, seconded by Senator Moore, the Bill was referred to the Select Committee on Taxation.

Second Reading of Senate Bill No. 39 entitled "An Act to Amend Section 491 of the Revised Laws Relating to the Purpose for which Private Property may be taken for Public Uses."

Senator Chillingworth moved that the Bill pass Second Reading. Seconded by Senator Knudsen and carried.

Senator Knudsen for the Committee on Judiciary asked leave to return to Senate Bill No. 8 to the Senate.

There being no objection, Senate Bill No. 8 was returned to the Senate and, upon motion of Senator Fairchild, seconded by Senator Knudsen, re-referred to the Select Committee on Election Laws.

Senator Woods gave notice of intention to introduce a Bill entitled "An Act to Repeal Section 259 of the Revised Laws Relating to Covenants for Renewal at Auction of certain Government Leases."

Under suspension of the Rules, Senator Woods introduced a Bill (S. B. No. 48) entitled "An Act to Repeal Section 259 of the Revised Laws, Relating to Covenants for Renewal at Auction of Certain Government Leases."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho asked for the further time in which to report on Bills in the hands of the Committee on Public Health. Granted.

Senator Robinson asked for further time in which to report on Bills in the hands of the Committee on Education.

At 11:06 o'clock Senator Quinn moved to take a recess until 2 o'clock. Seconded by Senator Coelho and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

At 2:01 o'clock a Message (No. 6) from the Governor, submitting Estimates for Appropriations out of General Revenues for the Biennial Period ending June 30, 1911, was received and read by the Clerk:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,

Executive Chamber,

Honolulu, T. H., February 24, 1909.

To the Legislature:

I have the honor to submit herewith for your consideration estimates for appropriations out of general revenues for the biennial period ending June 30, 1911.

Form of bill. The estimates are in the form of a single bill covering the items which at former sessions have been separated into two bills known as the salaries and expense bills. This is the usual practice elsewhere. In former bills it has not been found practicable to make a sharp line of division between the two classes of expenditures. It is a decided advantage both for convenience and for efficiency to consider together all appropriations for any branch of the public service.

In the bill submitted an attempt is made also at more complete and logical classification of items and at greater simplicity and uniformity in their wording. The appropriating clause at the beginning is shortened and made to conform more nearly to similar clauses in Acts of Congress, and the restricting clauses at the end are omitted, with the idea that these shall be put in the form of a separate, permanent bill carefully prepared to meet all contingencies, thus avoiding unnecessary repetition in a number of bills at each session and making such restrictions applicable to the usual minor appropriation bills to which they have not usually been attached.

Amount. The estimates aggregate \$3,248,226.00, which is

\$83,682.45 less than the estimated available revenues. This should be reduced rather than increased unless the revenue also is increased. There will probably be additional minor appropriations at the present session; there are always appropriations of considerable amount at the succeeding session for the same period; moreover, if one million out of the possible two million dollars of the public debt is refunded during the ensuing period, there must be set aside for sinking fund under existing laws \$51,825.13, which will be offset to the extent of only about \$15,000 in interest saved; further, if an additional loan is authorized for public improvements, allowance must be made for both sinking fund and interest; the aim should be also to maintain a working surplus.

The estimated expenditures have been brought within the estimated revenues by omitting offices, reducing salaries, combining services, and omitting or reducing items for other purposes. Many of these changes will not result in materially impairing the efficiency of the public service, but in some cases the estimates have been reduced or kept below the point required by true economy and expediency to maintain proper efficiency or keep pace with increasing needs. Indeed, the estimated requirements of the various departments have been reduced more than \$600,000.00.

Further needs. Many needs, some of which were presented in my first message to your honorable body, are not covered by the estimates. Without meaning to underrate the importance of others, I call your attention particularly to the estimate for the pay of teachers in the public schools, which has been left at the amount appropriated by the last Legislature. A large increase is absolutely necessary to avoid the exclusion of a large number of pupils or a material reduction in salaries, which are already too small, or a large increase in the number of pupils per teacher, which is already too large. True economy requires also larger appropriations for repairs and maintenance of school buildings, as well as other public buildings.

Additional appropriations are also needed not merely to preserve the present status or to meet growing needs along lines already undertaken, but to meet new needs of an urgent character, some of which are included in the estimates. Special attention is called to the items for medical inspection in the public schools, the prevention and cure of tuberculosis, the rat campaigns in Honolulu and Hilo, the hydrographic survey and the Hawaii experiment station; also the increases in items for the care of lepers covering hospitals as well as segregation. The reasons for these are set forth in the first message. I may add or repeat in regard to the hydrographic survey not only that this is needed for many reasons of vital importance to the growth

and character of the population and industries of the Territory, but that this is a matter in which the Government at Washington desires to aid the Territory both by the expenditure of Federal money for this purpose and by the loan of the best experts for the direction and conduct of the work, provided the Territory will do its part. The Hawaii experiment station needs twice as much as recommended—for investigations of vast consequence to the industries of Hawaii, especially in the matter of foddors for live-stock, fungus and bacterial diseases affecting pineapples and other crops, the improvement and increase of the taro crop and other matters. Equally pressing are the needs of the Board of Agriculture and Forestry for the preservation and extension of forests and for the protection of industries large and small against the introduction of new plant and animal pests and the depredations of those already here.

Increase of available funds. To provide adequate means for the most pressing needs will be one of your most difficult tasks. Many suggestions were made in the first message by which available funds might be increased—by reducing expenditures for present work in various ways, by the enactment of new legislation which will render unnecessary hereafter various expenditures hitherto made, and by increasing the revenue.

The suggested increase of the school tax and additional income tax would meet the additional needs of the public schools and the Hawaii Experiment Station and perhaps all the needs of the Board of Agriculture and Forestry and the hydrographic survey as well as of the Board of Immigration, besides rendering possible new work in other lines, as, for instance, the improvement of marketing facilities for small producers, the establishment of a fish hatchery and other matters.

I wish to suggest for your careful consideration also the question whether there should not be a decidedly wider application of the principle that private persons should bear a material part of the cost of special services. There are many such services, much, if not the greater part, of the burden of which must necessarily be borne by the public at large, but the special benefits of which, entailing also in many instances special cost, are enjoyed by individuals. The idea is too prevalent that public services should be free and also that there should be flat rates. This is apt to result in extravagance, unfair distribution of burdens, and demoralization. Many public works or services may well be made largely self-supporting, thereby lightening the burden upon the people at large and transferring it in part only to those who reap corresponding benefits, as, for instance, by assessing to adjoining property owners in larger degree the cost of street construction and improvement and the cost of water and sewer works. The Territory is obliged to maintain

a great many landings throughout the Territory while it charges wharfage or other fees for very few of them; charges for the use of all of them could be collected inexpensively and the proceeds of each landing be applied to its maintenance. The requirement of meters at the expense of the consumers of water from the public water works would involve only a trifling original cost, but would probably result in greater economy in the use of water and consequently greater economy to both the consumer and the Government; there being less waste of water, there would be less expense in pumping both in the water and in the sewer works. The taxation of jurors' fees is another example of a different nature among many that might be enumerated.

A saving to the Territory with perhaps not a corresponding increase of expense to the counties might be made by turning over more of the Territorial work to the counties. At present apparently the counties are better off financially than the Territory, and this difference will tend constantly to grow larger. Some of the work of the Territory would more properly come within the functions of the counties and might well have been placed under the counties at the outset, as, for instance, the establishment and maintenance of local hospitals. In the estimates submitted herewith, there have been omitted, partly because of lack of funds and partly with this end in view, the usual items for assistance to private hospitals of a local character as well as to the Associated Charities. The Hilo and Wailuku hospitals have been included in the estimates because they are purely governmental hospitals in point of maintenance though not in character. The items for these also may well be omitted and the county act amended to confer upon the counties authority to establish and maintain hospitals. Such authority is already conferred upon the City and County of Honolulu. The appropriations for the Queen's Hospital, the Leahi Home and perhaps the Maternity Home might be continued on the theory that these are in the nature of territorial rather than local institutions. Possibly the same is true of the Associated Charities also, and there are other worthy institutions such as that of the recently established Industrial Home of the Salvation Army which should receive support from the territorial or the county government, in so far as there is need of services of this nature it is probably more economical as well as more beneficial in results to aid private institutions than to establish and conduct public institutions. The estimates for the Hilo and Wailuku hospitals have been increased by practically the amounts of their receipts from pay patients with a view to having such receipts turned into the treasury instead of being expended as hitherto for the hospitals without a legis-

lative appropriation. A bill is pending for a somewhat similar purpose with reference to the Lahainaluna and Waialeale schools. Again, the jails might well be passed over to the counties. These are naturally conducted in connection with the police system, which is already under the control of the counties. The control of the territorial prison, in the nature of a state penitentiary known as Oahu Prison, would naturally remain under the Territory. At the present time the counties receive the benefit of most of the prison labor, the value of which would go far to offset the cost of maintenance which is now borne by the Territory. Perhaps the district court houses also might well be turned over to the counties, especially as their care usually is closely connected with that of the jails. Authority might be given also for turning over the various water works, other than the Honolulu water works, to the several counties, upon payment to the Territory of the appraised value of the works. In the present transition state the Honolulu water works should be retained by the Territorial Government.

Savings to the counties might be affected by requiring street improvements and maintenance to be borne to a larger extent by owners of adjoining property and also by requiring street and road work, at least other than that of mere repairing, to be done by contract.

WALTER F. FREAR,
Governor of Hawaii.

AN ACT

MAKING APPROPRIATIONS FOR CURRENT EXPENSES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1911.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sums are hereby appropriated, for the objects hereinafter expressed, for the biennial period ending June 30, 1911, out of moneys in the treasury received from the general revenues:

THE GOVERNOR.

National Guard.

Adjutant General (\$225.00)	\$	5,400.00	
Clerk and Assistant (\$75.00)		1,800.00	
Janitor and Armorer (\$40.00)		960.00	
Expenses		12,000.00	\$ 20,160.00

THE SECRETARY.

Clerks, Assistants, Stenographers, Messengers (\$125.00)	\$ 10,200.00	
Expenses, Governor's and Secretary's offices	4,200.00	
Printing, binding, indexing, advertising	1,560.00	\$ 15,960.00

Elections.

Expenses of		13,000.00
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Public Archives.

Librarian (\$150.00)	3,660.00	
Expenses, copying, translating, printing binding	2,160.00	5,760.00

Promotion.

Support of (\$250.00)		6,000.00
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PERMANENT SETTLEMENTS.

Queen Liliuokalani (\$625.00)	15,000.00	
Mrs. Emma Barnard (\$16.66 2-3)	400.00	
Mrs. Kamakani Simeona (\$16.66 2-3) ..	400.00	
Mrs. Mary Stolz (\$16.66 2-3)	400.00	
Mrs. Mahelona (\$16.66 2-3)	400.00	16,600.00

ATTORNEY GENERAL'S DEPARTMENT.

Attorney General (\$300.00)	7,200.00	
First Deputy (\$250.00)	6,000.00	
Second Deputy (\$200.00)	4,800.00	
Clerk (\$100.00)	2,400.00	
Assistant Clerk (\$75.00)	1,800.00	
Stenographer (\$100.00)	2,400.00	
Assistant Stenographer (\$75.00)	1,800.00	
Expenses	11,400.00	37,800.00

High Sheriff, Prisons, Jails.

High Sheriff, Warden Territorial Prison, Jailor, Honolulu Jail (\$225.00)	5,400.00	
Deputy Warden, Territorial Prison (\$125.00)	3,000.00	
Deputy Warden, Honolulu Jail (\$125.00) ..	3,000.00	
Jailors and Guards of Prisoners:		

Oahu	\$39,840.00	
Hawaii	12,720.00	
Maui	9,960.00	
Kauai	5,760.00	68,280.00

Lunas	10,000.00	
Expenses, Maintenance of Prisoners....	95,000.00	184,680.00
		<hr/>

AUDITING DEPARTMENT.

Auditor (\$275.00)	6,600.00	
Deputy Auditor (\$200.00)	4,800.00	
Clerks (\$400.00)	9,600.00	
Expenses	3,600.00	24,600.00
		<hr/>

TREASURY DEPARTMENT.

Treasurer (\$275.00)	6,600.00	
Registrar of Public Accounts (\$225.00)..	5,400.00	
Bookkeeper, Deputy Insurance Commis- sioner (\$175.00)	4,200.00	
Clerks, Stenographers, Assistants (\$395.00)	9,480.00	
Expenses:		
Treasurer's Office	\$ 5,000.00	
Insurance Law	1,200.00	
Liquor Law	17,000.00	
Official Bonds	5,000.00	
Tax Books and Blanks ..	3,000.00	31,200.00
		<hr/>
Interest, Commissions, Expenses, Public Debt	332,500.00	389,380.00
		<hr/>

Bureau of Taxes.

First Taxation Division, Oahu.

Assessor (\$225.00)	\$ 5,400.00	
Deputies, Clerks, etc.....	49,200.00	
Expenses	6,000.00	60,600.00
		<hr/>

Second Taxation Division, Maui, etc.

Assessor (\$200.00)	4,800.00	
Deputies, Clerks, etc.....	16,000.00	
Expenses	1,500.00	22,300.00
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Third Taxation Division, Hawaii.

Assessor (\$200.00)	4,800.00	
Deputies, Clerks, etc.....	23,000.00	
Expenses	2,000.00	29,800.00
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Fourth Taxation Division, Kauai and Niihau.

Assessor (\$175.00)	4,200.00		
Deputies, Clerks, etc.....	13,000.00		
Expenses	1,500.00	18,700.00	131,400.00

Bureau of Conveyances:

Registrar (\$200.00)	4,500.00		
Deputy Registrar (\$125.00)	3,300.00		
Expert Indexer (\$100.00)	2,400.00		
Two Clerks (\$90.00)	4,320.00		
Five Clerks (\$75.00)	9,000.00		
Two Clerks (\$50.00)	2,400.00		
Expenses	3,300.00	29,220.00	

PUBLIC INSTRUCTION.**General.**

Superintendent (\$275.00)	6,600.00		
Secretary (\$125.00)	3,000.00		
Stenographer, Book Clerk (\$75.00)	1,800.00		
School and Purchasing Agent (\$125.00)..	3,000.00		
School Agents	3,600.00		

Expenses:

General	7,500.00		
Furniture, Fixtures	8,000.00		
School Supplies	10,000.00		
Books, Libraries	12,500.00		
Industrial Training	7,500.00		
Material, Lace Making	500.00		
Medical Inspection	12,500.00		
Repairs and Maintenance, School			

Property:

Oahu	\$20,000.00		
Hawaii	18,000.00		
Maui	7,000.00		....
Kauai	5,000.00	50,000.00	126,500.00

Instruction.

Normal Inspectors, including Traveling			
Expenses (three at \$200.00).....	14,400.00		
Teachers	706,000.00	720,400.00	

Special Schools:

Lahainaluna, Maintenance	15,000.00		
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Boys' Industrial:

Superintendent (\$135.00) ..	3,240.00	
Guards	2,400.00	
Maintenance	15,000.00	20,640.00

Girls' Industrial:

Superintendent (\$100.00) ..	2,400.00		
Guards	1,500.00		
Maintenance	8,000.00	11,900.00	47,540.00

COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

Salaries and Pay Roll	15,000.00	
Expenses	5,000.00	20,000.00

PUBLIC WORKS.**General:**

Superintendent (\$275.00)	6,600.00	
Chief Clerk and Clerk of Market (\$175)	4,200.00	
Assistant Clerk (\$125.00)	3,000.00	
Stenographer and Clerk (\$125.00)	3,000.00	
Engineers, Architects, Draughtsmen	9,600.00	
Head Carpenter (\$100.00)	2,400.00	
Inspector, Weights, Measures, Oil (\$60)	1,440.00	
Stable Keeper (\$55.00)	1,320.00	
Expenses	9,500.00	41,060.00

Government Property.**Capitol and Judiciary Building and Grounds:**

Caretaker (\$75.00)	\$ 1,800.00	
Guards (3 at \$60.00)	4,320.00	
Janitors (5 at \$30.00)	3,600.00	
Laborers (6 at \$30.00)	4,320.00	14,040.00

Keeper of Mausoleum (\$50) ..	1,200.00	
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Maintenance, Repairs, Additions:

Oahu	25,000.00	
Hawaii	6,500.00	
Maui	5,000.00	
Kauai	4,000.00	40,500.00

Flags for Court and School Houses	300.00	
Telephone Exchange, Capitol and Judiciary Building	3,336.00	59,376.00

Landings and Wharves.

Foreman (\$125.00)	3,000.00		
Sweepers (3 at \$40.00)	2,880.00		
Maintenance, Repairs, Additions:			
Oahu	24,000.00		
Hawaii	7,500.00		
Maui	5,000.00		
Kauai	5,000.00	41,500.00	47,380.00

Harbor Masters, Honolulu.

Harbor Master (\$225.00)	5,400.00		
Assistant (\$125.00)	3,000.00		
Expenses	200.00		8,600.00

Pilots.**Honolulu:**

Pilots (3 at \$200.00)	14,400.00		
Watchman (\$50.00)	1,200.00		
Expenses	7,800.00		
Watchman, Diamond Head...	1,800.00	25,200.00	

Hilo.**Pilot, Gunpowder and Kerosene**

Oil Keeper (\$160.00)	3,840.00		
Expenses	1,090.00	4,930.00	

Kahului:**Pilot, Gunpowder and Kerosene**

Oil Keeper (\$160.00)	3,840.00		
Expenses	2,500.00	6,340.00	36,470.00

Water Works.**Honolulu:****Superintendent and Chief Engineer, Water and Sewer**

Works (\$175.00)	4,200.00		
Clerks (\$125.00)	3,000.00		
Assistant Clerk (\$90.00)	2,160.00		
Chief Inspector, Assistants...	5,760.00		
Tappers, Assistants	5,280.00		
Shipping Tender, Assistant...	2,880.00		
Foreman, Water Pipes (\$100.00)	2,400.00		
Reservoir Keepers	3,240.00		
Pump Engineers, Firemen			
Oilers	32,280.00		
Expenses, Maintenance, Extension	71,540.00	132,740.00	

Hilo:

Superintendent Water Works and Sewers (\$125.00).....	3,000.00	
Clerk (\$40.00)	960.00	
Expenses, Maintenance, Extension	3,600.00	7,500.00

Wailuku:

Superintendent (\$100.00)	2,400.00	
Expenses, Maintenance, Extension	3,600.00	6,000.00

Lahaina:

Superintendent (\$85.00)	2,040.00	
Expenses, Maintenance, Extension	3,000.00	5,040.00

All Other Water Works:

Superintendent, Laupahoehoe (\$10.00)	240.00		
Superintendent, Waimea, Ha- waii (\$10.00)	240.00		
Superintendent, Waimea, Kau- ai (\$40.00)	960.00		
Superintendent, Koloa (\$10.00)	240.00		
Superintendent, Kapaa (\$10.00)	240.00		
Expenses, Maintenance, Extension	3,000.00	4,920.00	156,260.00

Sewer Works.

Honolulu:

Foreman, Three Assistants (\$90.00, \$50.00, 2 at \$45.00)	5,520.00	
Engineers, Firemen (\$125.00, 2 at \$100.00, 3 at \$50.00) ..	11,400.00	
Expenses, Maintenance	26,000.00	42,920.00

Hilo:

Expenses, Maintenance	2,000.00	44,920.00
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Hydrographic Survey.

Pay Roll and Expenses.....		10,000.00
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BOARD OF HEALTH.

General.

President (\$275.00)	6,600.00
Secretary (\$175.00)	4,200.00

Clerks (1 at \$100.00, 2 at \$75.00).....	6,000.00	
Stenographer (\$90.00).....	2,160.00	
Janitor and Messenger (\$50.00)	1,200.00	
Expenses	10,000.00	30,160.00

Sanitation.

General Health and Sanitary Officer Honolulu (\$150.00)	3,600.00	
Inspectors, Honolulu (1 at \$125.00, 7 at \$85.00)	17,280.00	
Sanitary Inspector, Inspector of Buildings, Plumbing, House Sewers, Dairies, Milk, Fish, Food, Hilo, Hamakua, Puna (\$150.00), and Assistant (\$50.00)	4,800.00	25,680.00

Pure Food.

Food Commissioner and Analyst (\$150.00)	3,600.00	
Meat Inspector and Veterinary (\$150.00)	3,600.00	
Milk and Dairy Inspector (\$75.00).....	1,800.00	9,000.00

Medical and Quarantine Service and Supplies.

Bacteriologist and Pathologist (\$175.00)	4,200.00	
Government Physicians	26,000.00	
Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, Prevention and Suppression of Contagious Diseases	30,000.00	
Prevention and Cure of Tuberculosis....	18,000.00	
Rat Campaign, Honolulu	10,000.00	
Rat Campaign, Hilo	5,000.00	
Repairs, Alterations, Equipment, Quarantine Station, Honolulu	4,000.00	
Repairs, Extension, Equipment, Quarantine Station, Hilo	4,000.00	
Keeper Quarantine Station and Assistant Sanitary Inspector, Hilo	1,440.00	
Morgue Attendant, Honolulu (\$75.00)....	1,800.00	
Morgue Building and Equipment, Hilo..	1,500.00	
Maintenance, Horse and Wagon, Hilo..	1,200.00	107,140.00

Care of Lepers and Their Children.

Care of Lepers, Segregation and Hospitals, Pay Roll	50,000.00	
Care of Lepers, Segregation and Hospitals, Expenses	200,000.00	
Sheriff and Police, County of Kalawao (\$120.00)	2,880.00	

Medicines and Medical Treatment at Settlement and Kalihi Receiving Station	35,000.00	
Improvements at Settlement	5,000.00	
Repair, Board of Health Telephone, Molokai	300.00	
Kalaupapa Store	65,000.00	
Kapiolani Girls' Home, Pay Roll	4,800.00	
Kapiolani Girls' Home, Maintenance	11,000.00	
Kalihi Boys' Home, Pay Roll	6,000.00	
Kalaihi Boys' Home, Maintenance	10,900.00	359,980.00

Insane Asylum.

Pay Roll	31,560.00	
Maintenance	45,000.00	76,560.00

Hospitals.

Queen's Hospital	24,000.00	
Leahi Home	15,000.00	
Kapiolani Maternity Home	7,200.00	
Hilo Hospital, Hawaii	11,500.00	
Malulani Hospital, Maui	7,500.00	
Repairs Malulani Hospital, Maui	3,000.00	68,200.00

PUBLIC LANDS.

Commissioner (\$275.00)	6,600.00	
Chief Clerk and Sub-Agent, Fifth District (\$175.00)	4,200.00	
First Assistant Clerk (\$100.00)	2,400.00	
Second Assistant Clerk (\$75.00)	1,800.00	
Third Assistant Clerk (\$75.00)	1,800.00	
Fourth Assistant Clerk and Messenger (\$30.00)	720.00	
Sub-Agents and Rangers	9,000.00	
Expenses	12,000.00	38,520.00

SURVEY.

Surveyor ((\$250.00)	6,000.00	
First Assistant Surveyor (\$200.00)	4,800.00	
Second Assistant Surveyor (\$185.00)	4,400.00	
Sub-Assistant and Messenger (\$60.00)	1,440.00	
Expenses, Field parties and Office Work	35,000.00	51,680.00

BOARD OF AGRICULTURE AND FORESTRY.

General

Clerks and Stenographers (2 at \$100.00)	4,800.00
Employees and Laborers	2,160.00
Expenses	30,000.00
Aid to Hawaii Experiment Station....	10,000.00

Division of Forestry.

Superintendent (\$250.00)	6,000.00
Assistants, Laborers, etc.....	9,000.00

Division of Entomology.

Superintendent (\$250.00)	6,000.00
Assistants, Inspectors, Employees	9,000.00

Division of Animal Industry.

Superintendent (\$250.00)	6,000.00	
Assistants, Employees	5,040.00	88,000.00

THE COURTS.

Supreme Court.

Clerk (\$150.00)	\$ 3,600.00	
Stenographer and Clerk (\$125)	3,000.00	
Assistant Clerks, Bailiffs, Librarians, Messengers	3,600.00	
Law Books	1,200.00	
Compiling, Publishing Reports	2,800.00	
Expenses, Supreme and District Courts, forms for all Courts	4,000.00	18,200.00

Circuit Courts.**First Circuit:**

Clerks (4 at \$125.00).....	12,000.00	
Stenographers (3 at \$150.00)	10,800.00	
Hawaiian Interpreter (\$125.00)	3,000.00	
Japanese Interpreter (\$100.00)	2,400.00	
Expenses	25,000.00	
Expenses, Land Court	5,000.00	58,200.00

Second Circuit.

Clerk and Stenographer (\$125)	3,000.00	
Law Books	250.00	
Expenses	7,500.00	10,750.00

Third Circuit:

Clerk (\$90.00)	2,160.00	
Law Books	200.00	
Expenses	5,000.00	7,360.00

Fourth Circuit:

Clerk and Stenographer (\$125)	3,000.00	
Assistant Clerk, Messenger, Interpreter, Bailiff (\$75.00)...	1,800.00	
Law Books	250.00	
Expenses	8,000.00	13,050.00

Fifth Circuit:

Clerk (\$100.00)	2,400.00	
Law Books	200.00	
Expenses	5,000.00	7,600.00

District Magistrates.**First Circuit:**

Honolulu (\$200.00)	4,800.00	
Honolulu, Second Magistrate..	600.00	
Honolulu, Clerks	6,000.00	
Ewa (\$100.00)	2,400.00	
Waianae (\$40.00)	960.00	
Waialua (\$75.00)	1,800.00	
Koolauloa (\$50.00)	1,200.00	
Koolaupoko (\$50.00)	1,200.00	18,960.00

Second Circuit:

Lahaina (\$90.00)	2,160.00	
Wailuku (\$100.00)	2,400.00	
Makawao (\$85.00)	2,040.00	
Makawao, Second Magistrate for Honuaula (\$25.00).....	600.00	
Hana (\$50.00)	1,200.00	
Kipahulu (\$30.00)	720.00	
Molokai (\$40.00)	960.00	
Lanai (\$20.00)	480.00	
Kalaupapa (\$20.00)	480.00	11,040.00

Third Circuit:

North Kohala (\$50.00)	1,200.00	
South Kohala (\$50.00)	1,200.00	
North Kona (\$60.00)	1,440.00	
South Kona (\$50.00)	1,200.00	
Kau (\$80.00)	1,920.00	6,960.00

Fourth Circuit:

South Hilo (\$135.00)	3,240.00		
South Hilo, Clerk and Inter- preter (\$100.00)	2,400.00		
North Hilo (\$60.00)	1,440.00		
Hamakua (\$80.00)	1,920.00		
Puna (\$45.00)	1,080.00	10,080.00	

Fifth Circuit:

Lihue (\$80.00)	1,920.00		
Koloa (\$70.00)	1,680.00		
Waimea (\$80.00)	1,920.00		
Kawaihau (\$55.00)	1,320.00		
Hanalei (\$50.00)	1,200.00	8,040.00	170,240.00

GRAND TOTAL\$3,248.226.00

Section 2. This Act shall be in effect from and after the date of its approval.

Upon motion of Senator Kalama, seconded by Senator Coelho, the Message was referred to the Committee on Ways and Means.

Senator Knudsen presented the Report (No. 21) of the Committee on Judiciary on Senate Bill No. 35 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 24, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 35, entitled "An Act to Amend Section 1644 of the Revised Laws as Amended by Act 34 of the Laws of 1905 and Act 50 of the Laws of 1907, Relating to the Terms of the Circuit Courts," begs leave to report that the same has had careful consideration.

The object of the Bill is to abolish the June Term of the Circuit Court held at Lahaina, Island of Maui. Since the new Court House was built at Wailuku, the County Seat, the bulk of the legal work has been done there, and all cases that come before the Lahaina Term are continued to the Wailuku Term. By doing away with this June Term, no hardship will be caused,

whereas, on the contrary, there will be a considerable saving in expense.

Your Committee therefore recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,

I do not concur.

R. H. MAKEKAU.

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Report of the Committee and the Bill were deferred until Monday, March 1, 1909.

Senator Brown presented the Report (No. 22) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 41 and House Joint Resolution No. 2 as follows:

Honolulu, T. H., February 24, 1909

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bill No. 41 and House Joint Resolution No. 2 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Upon motion of Senator Woods, seconded by Senator Coelho, consideration of House Joint Resolution No. 2 was deferred until Thursday, February 25, 1909.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act Making Appropriations for Current Expenses for the Biennial Period ending June 30, 1911."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 49) entitled "An Act Making Appropriations for Current Expenses for the Biennial Period ending June 30, 1911."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator McCarthy moved that all that portion of the Message (No. 6) of the Governor submitting Estimates for Appropriations out of the General Revenues for the Biennial Period ending June 30, 1911, excepting the Bill appended thereto, be referred to the Committee on Enrollment, Revision and Printing. Seconded by Senator Brown and carried.

Second Reading of Senate Bill No. 41 entitled "An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws and to Add a New Section to be known as Section 2429A to the Revised Laws, Relating to the Court of Land Registration.

Referred to the Committee on Judiciary.

At 2:30 o'clock the Chair announced a recess of 10 minutes.

At 2:40 o'clock the Senate reconvened, Senator Coelho moving to adjourn. Seconded by Senator Makekau and carried.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

SEVENTH DAY.

Thursday, February 25, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Sixth Day was read, and, upon motion of Senator Knudsen, seconded by Senator Brown, approved as read.

A Communication (No. 5) from Alfred S. Hartwell, Chief Justice, replying to Senate Resolution No. 11, was read by the Clerk as follows:

SUPREME COURT.

Territory of Hawaii.

Honolulu, February 24, 1909.

To Honorable William O. Smith,
President of the Senate.

Sir:—I am in receipt today of a letter from the clerk of the senate informing me that he is directed by the senate "to

transmit herewith a duly certified copy of Senate Resolution No. 11, which was adopted in the Senate of the Territory of Hawaii, on February 23, 1909, and to request that the matters and things required in said Resolution be made out and submitted to the Senate not later than March 20th, 1909."

The letter is accompanied by a certified copy of Resolution No. 11, which recites that "the report of the Chief Justice to the Legislature of 1909 is received, and does not give any report of the matters and things specially requested by said Resolution, although Governor Walter F. Frear and Chief Justice A. S. Hartwell both assured the introducer of the said Resolution, on July 30, 1908, that the report would be ready at the time called for," and resolves "that the Chief Justice be reminded of the matters and things required in said Resolution, and that a copy of said Resolution, appended to a copy of this Resolution duly certified, be submitted by the Clerk of this Senate, with a request that the matters and things required in said Resolution be made out and submitted to the Senate not later than March 20th. 1909."

I beg to call your attention to my statement concerning reports of pending cases on pages vii and viii of my report to the Legislature.

Since preparing statistics for my report I have received from the clerk of the third circuit a statement of cases pending in that court December 31, 1908, showing ten actions at law, three of which were ordered to be struck from the calendar; in one a motion to vacate judgment was filed but not presented; one case was continued; in two cases a waiver of jury was filed; three suits in equity, in one of which an appeal was taken to the Supreme Court, and two partition and guardianship matters; forty probate matters, most of which are appointments of executors or administrators not followed by final accounts, and letters of administration not having issued in several instances from failure to file bonds.

Neither myself nor the associate justices suggest any recommendations, knowing that parties in cases and those interested in estates frequently arrange matters to suit themselves either for continuance or settlement out of court, frequently making no record of such settlements.

I am not authorized by law to give directions to clerks of circuit courts, they being under the control of the circuit judges.

Very respectfully,

ALFRED S. HARTWELL,

Chief Justice.

The Communication was ordered received and placed on file.
A Communication (No. 18) from the House of Represen-

tatives, transmitting House Joint Resolution No. 1, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 23rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Joint Resolution No. 1, which this day passed third reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII, That as soon as may be after the approval of this Resolution, the Governor appoint a commission of three members, who shall be experienced and competent persons and disinterested, which commission shall thoroughly investigate and examine into the matter of private wharves and landings throughout the Territory, and charges made for the use thereof, and shall consider ways and means of regulating such charges, and the feasibility and cost of the acquisition of such wharves and landings by the Territory. The conclusions reached by such commission shall be embodied in a report to be made by them to the Governor not later than July 1, 1910, together with their recommendations as to legislation if such is needed, which report shall be laid before the next Legislature by the Governor.

The Communication was ordered received and placed on file. First Reading of House Joint Resolution No. 1.

Senator Quinn moved that the Joint Resolution pass First Reading. Seconded by Senator Coelho, and carried.

A Petition (No. 8) from Residents at the Leper Settlement, praying that various requests adopted at a Mass Meeting held at Kalaupapa, Molokai, on February 20, 1909, be granted, was presented by Senator Coelho, as follows:

To the President and Members of the Senate,
Territory of Hawaii.

Greeting:—I have the honor to submit herewith petition from the residents of the Leper Settlement, considered and adopted at a mass meeting held at the Board of Health warehouse at Kalaupapa on Saturday, February 20, A. D. 1909, to wit:

1. That weekly paiai ration be increased from 21 to 25 pounds.
2. That the Board of Health repair the cottages owned by lepers when they are in need of the same.
3. That Dr. Goodhue's monthly stipend be raised to \$300.00.
4. That the laborers (poolas) at Kalaupapa be paid at one dollar a day.
5. That the ration bill (money allowance) be increased to \$16.00 per annum.
6. That the amount of \$6,000.00 be appropriated for new cottages for lepers.
7. That the meat ration be increased from 7 to 10 pounds a week.
8. That the goods at the store be sold at reasonable prices.
9. That each patient receive 70 cents' worth of groceries from the store a week besides the paiai ration.
10. That a law be enacted authorizing the Governor to appoint a commission agent to introduce merchandise of all descriptions in the Settlement, and be paid a reasonable salary as may be fixed from time to time.
11. That an appropriation of \$2,500.00 be made for supplying the lepers with stationery.
12. That an appropriation of \$6,000.00 be made for roads in the County of Kalawao.
13. That \$600.00 be appropriated for the landing at Kalaupapa.
14. That \$15,000.00 be appropriated for water pipes for the Settlement.
15. That the stipend of the Assistant Superintendent, J. K. Waiamau, be raised to \$150.00 a month.

Yours respectfully,

J. K. KAINUWAI,
Secretary.

Kalaupapa, Molokai,
February 20th, 1909.

The Petition was ordered referred to the Assistant Clerk for translation.

Senator Chillingworth presented the Report (No. 23) of the Committee on Military and Public Expenditures on House Concurrent Resolution No. 8 as follows:

Honolulu, T. H., February 24th, 1909.

Hon. W. O. Smith,
President of the Senate,
Territory of Hawaii.

Sir:—Your Committee has had House Concurrent Resolution

No. 8, pertaining to "Printing of all Acts passed by this Legislature in Hawaiian," and recommends its adoption.

The term "book forms or signatures" refers to advance sheets of acts as passed.

Respectfully submitted,

OHAS. F. CHILLINGWORTH,
Chairman.

R. H. MAKEKAU,
S. E. KALAMA.

Upon motion of Senator Kalama, seconded by Senator McCarthy, the Report of the Committee was adopted.

Senator Brown presented the Report (No. 24) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 47 and 48 and the Governor's Message No. 6, as follows:

Honolulu, T. H. February 24th, 1909.

Hon. W. O. Smith,

President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 47 and 48 and Governor's Message No. 6 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Robinson offered the following Resolution (No. 24) relating to an Appropriation of \$14,160.00 for Maintenance and Support of Malulani Hospital, Island of Maui:

SENATE CHAMBER,

Honolulu, T. H., February 25th, 1909.

RESOLUTION.

RESOLVED, that the sum of \$14,160.00 be inserted in the appropriation bill for the maintenance and support of the Malulani Hospital, Maui.

W. T. ROBINSON,
Senator, 2nd District.

Senator Robinson moved that the Resolution be adopted. Seconded by Senator Coelho.

The motion to adopt the Resolution was withdrawn and, upon motion of Senator Robinson, seconded by Senator McCarthy, the Resolution was laid on the table to be considered with the Appropriation Bill.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 39 entitled "An Act to Amend Section 491 of the Revised Laws Relating to the Purposes for which Private Property may be taken for Public Uses."

Senator Kalama asked to be excused from voting on the Bill and attempted to explain his reasons therefor.

Senator Coelho raised the point of order that Senator Kalama could not explain his reasons for desiring to be excused from voting on the Bill without the unanimous consent of the Senate. The Chair considered the point well taken.

There being no objection, Senator Kalama explained that he was the owner of certain land on Vineyard Street, in Honolulu, desired by the Government for School Purposes, whereupon the Chair ruled that he had a pecuniary interest in the Bill and could not vote on the same.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Voting: Senator Kalama—1.

Third Reading of House Bill No. 33 entitled "An Act Making Special Appropriations to Compensate for the Taking by the Board of Health, during the year 1907, of the Property of Certain Persons on the Federal Reservation, County of Kalawao."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Robinson—1.

Second Reading of House Joint Resolution No. 2.

Senator Kalama moved that the Joint Resolution pass Second Reading. Seconded by Senator Knudsen and carried.

Second Reading of Senate Bill No. 47 entitled "An Act to Provide for the Appointment of Bail Commissioners in the several Judicial Circuits of the Territory of Hawaii."

Upon motion of Senator Kalama, seconded by Senator Knudsen, the Bill was referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 48 entitled "An Act to Repeal Section 259 of the Revised Laws, Relating to Covenants for Renewal at Auction of Certain Government Leases."

Upon motion of Senator Woods, seconded by Senator Knudsen, the Bill was referred to the Committee on Judiciary.

Under suspension of the Rules, Senator Coelho offered the following Resolution (No. 25) relating to the payment of certain persons for services performed under direction of an Officer of the Department of Public Works:

SENATE CHAMBER,

Honolulu, T. H., February 25th, 1909.

RESOLUTION.

RESOLVED, that the following sums be inserted in the appropriation bill for the payment of the claims of the persons herein named, to wit:

1. Claim of W. K. Kuheleloa.....\$ 30.00
2. Claim of J. P. Keapuni..... 54.00

the same being for services performed under the direction of an officer of the Department of Public Works, during the months of October and November, 1906.

W. J. COELHO,
Senator, 2nd District.

Upon motion of Senator Coelho, seconded by Senator Harvey, the Resolution was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

At 10:45 o'clock Senator Kalama moved to take a recess until 2 o'clock. Seconded by Senator Brown and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 19) from the House of Representatives, transmitting House Bill No. 11, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., February 25, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 11,
which this day passed Third Reading in the House of Repre-
sentatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 11 entitled "An Act Making
Special Appropriation for the Purpose of Assisting Hawaii's
Exhibit at the Alaska-Yukon-Pacific Exposition."

The bill was read by title and, upon motion of Senator
Knudsen, seconded by Senator Makekau, passed First
Reading.

A Communication (No. 20) from the House of Represen-
tatives, transmitting House Bill No. 12, was read by the Clerk
as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., February 25, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 12,
which this day passed Third Reading in the House of Repre-
sentatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 12 entitled "An Act to
Provide for Entertainment and Expenses of such Senators
and Members of the House of Representatives of the United
States and other distinguished persons as may visit the Ter-
ritory of Hawaii prior to June 30, 1911."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Kalama, passed First Reading.

A Communication (No. 21) from the House of Representatives, transmitting House Bill No. 44, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., February 25, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 44, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 44 entitled "An Act Amending Act 108 of the Session Laws of 1907."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Fairchild, passed First Reading.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 25) of the Committee on Judiciary on Senate Bill No. 41 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 25, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 41, entitled "An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws, and to Add a New Section to be known as Section 2429A to the Revised Laws, Relating to the Court of Land Registration," begs leave to report that they have had the same under careful consideration.

The object of the Bill is to combine the work of the Court of Land Registration with that of one of the Circuit Courts.

Your Committee finds that the number of cases that came before this Court has averaged about 30 per annum, and the prospects are that in the future this average will not be increased.

This will effect considerable saving of Territorial funds, as it will do away with the cost of keeping up a separate court.

Your Committee therefore recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator McCarthy moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Knudsen and carried.

Senator Brown presented the Report (No. 26) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 49, as follows:

Honolulu, T. H., February 25, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bill No. 49 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Kalama presented the Report (No. 27) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Resolutions Nos. 15, 16, 17, 18, 19 and 20, as follows:

SENATE CHAMBER,

Honolulu, T. H., February 25, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Public Lands, Internal Improvements, Agriculture, etc., to whom Senate Resolutions Nos. 15, 16, 17, 18, 19 and 20 were referred, begs leave to report that it has had the same under careful consideration.

The resolutions seek to make appropriations for various Public Improvements throughout the different Islands, and your Committee would recommend that the same be laid on the table to be considered with the Appropriation or Loan Bills.

Respectfully submitted,

S. E. KALAMA,

Chairman.

ERIC A. KNUDSEN,

PALMER P. WOODS.

Senator Fairchild moved that the Report of the Committee be adopted. Seconded by Senator Harvey and carried.

Senator Baker gave notice of intention to introduce a Bill entitled "An Act to Provide for a Hydrographic Survey of the Districts of North and South Kona and Kau."

Under suspension of the Rules, Senator Baker introduced a Bill (S. B. No. 50) entitled "An Act to Provide for a Hydrographic Survey of the Districts of North and South Kona and Kau."

The bill was read by title and, upon motion of Senator Baker, seconded by Senator Woods, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Second Reading of Senate Bill No. 49 entitled "An Act making Appropriations for Current Expenses for the Biennial Period ending June 30, 1911."

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 41 entitled "An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws and to Add a New Section to be known as Section 2429A to the Revised Laws Relating to the Court of Land Registration.

Senator Knudsen moved that the Bill pass Second Reading. Seconded by Senator Coelho and carried.

At 2:27 o'clock, upon motion of Senator Knudsen, seconded by Senator Kalama, the Senate adjourned.

WILLIAM SAVIDGE,

Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

EIGHTH DAY.

Friday, February 26, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Chillingworth absent.

The Journal of the Seventh Day was read and, upon motion of Senator Quinn, seconded by Senator Coelho, approved as read.

Senator Coelho moved that Senate Petition No. 8 be referred to the Committee on Public Health. Seconded by Senator Knudsen and carried.

Senator Robinson moved that a Communication addressed to Mark P. Robinson, President of the Board of Health, be appended to Senate Resolution No. 24, and that the Resolution be referred to the Committee on Public Health. Seconded by Senator Coelho and carried.

Senator Harvey offered the following Concurrent Resolution (No. 6) relating to an Immediate Appropriation of \$1,500.00 for Construction of Sewers in the Kapalama District, Honolulu:

CONCURRENT RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii, the House of Representatives concurring:

That the sum of \$1,500.00 is immediately made available for the construction of sewers in the Kapalama District, for the immediate relief of insanitary conditions.

• F. R. HARVEY,

Senator, 3rd District.

Upon motion of Senator Harvey, seconded by Senator Coelho, the Resolution was referred to the Committee on Ways and Means.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 41 entitled "An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws and to Add a New Section to be known as Section 2429.A to the Revised Laws Relating to the Court of Land Registration.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes—0.

Not Present: Senators Chillingworth and Fairchild—2.

Third Reading of House Joint Resolution No. 2.

The Joint Resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Chillingworth—1.

Second Reading of House Bill No. 11 entitled "An Act Making Special Appropriation for the Purpose of Assisting Hawaii's Exhibit at the Alaska-Yukon-Pacific Exposition."

Upon motion of Senator Kalama, seconded by Senator Coelho, the Bill passed Second Reading.

Second Reading of House Bill No. 12 entitled "An Act to Provide for Entertainment and Expenses of such Senators and Members of the House of Representatives of the United States and other Distinguished Persons as may visit the Territory of Hawaii, prior to June 30, 1911."

Upon motion of Senator Knudsen, seconded by Senator Brown, the Bill passed Second Reading.

Second Reading of House Bill No. 44 entitled "An Act Amending Act 108 of the Session Laws of 1907."

Upon motion of Senator Coelho, seconded by Senator Knudsen, the Bill was referred to the Committee on Judiciary.

Second Reading of House Joint Resolution No. 1.

Upon motion of Senator Kalama, seconded by Senator Coelho, the Joint Resolution passed Second Reading.

Under suspension of the Rules, Senator Knudsen offered the following Resolution (No. 26) requesting the Treasurer of the Territory of Hawaii to furnish the Senate with a complete list of all persons delinquent in their Taxes:

SENATE CHAMBER,

Honolulu, T. H., February 26, 1909.

RESOLUTION.

BE IT RESOLVED that the Treasurer of the Territory be and he is hereby requested to furnish this Honorable Body with a complete list of all persons Delinquent in their Taxes, giving the names of such delinquents, the amount of taxes due and the reasons for not collecting the taxes when due.

ERIC A. KNUDSEN,

Senator, 4th District.

Senator Knudsen moved that the Resolution be adopted. Seconded by Senator Coelho.

Senator Fairchild moved to amend the Resolution by adding at the end thereof the words "such data to be furnished within one week." Senator Knudsen accepted the amendment which carried.

The Resolution as amended was then adopted.

Senator Robinson presented the Report (No. 28) of the Committee on Education on Senate Bill No. 2 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 26, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Education, to whom was referred Senate Bill No. 2, begs leave to report as follows:

The bill seeks to stop the appointment of married women as teachers in the Department of Public Instruction and your committee believes that this practice should stop.

The Superintendent of Public Instruction has informed your Committee that the appointment of married women as teachers has been caused by the lack of teachers in the Territory, but that this condition will be changed in a few years because the Department will then be able to draw from the graduates of the Normal School.

Bills similar to Senate Bill No. 2 have been before the Legislature for many sessions, and your Committee believes that this is caused from the fact that the outside Islands have no representative on the Board of Education.

We therefore recommend the passage of the accompanying bill as a substitute for Senate Bill No. 2.

Respectfully submitted,

Education Committee:

W. T. ROBINSON,
Chairman.

ERIC A. KNUDSEN,
C. J. McCARTHY,

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Robinson on behalf of the Committee on Education introduced a Bill (S. B. No. 51) entitled "An Act to Amend Sections 186, 187 and 188 of the Revised Laws Relating to the Department of Public Instruction.

The bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Knudsen presented the Report (No. 29) of the Committee on Judiciary on Senate Bill No. 44 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 26, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 44, entitled "An Act Amending Section 391 of the Revised Laws of Hawaii, Relating to Commissioners of Fences," begs leave to report that it has had the same under careful consideration and would report as follows.

Section 80 of the Organic Act gives the Governor the right to appoint commissioners, but further states that all such officers shall hold office for four (4) years. Section 391 of the Revised Laws, however, states that the commissioners shall hold office during good behavior.

The Revised Laws should conform to the Organic Act and not be inconsistent with any of its Sections.

The object of this Bill is to remove the inconsistency between Section 391 and the Organic Act, and your Committee therefore recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator McCarthy, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 30) of the Committee on Judiciary on Senate Bill No. 47 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 26th, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 47, entitled "An Act to Provide for the appointment of Bail Commissioners in the several Judicial Circuits of

the Territory of Hawaii," begs leave to report that it has had the same under careful consideration.

Section 2775 of the Revised Laws states the law of Bail and by whom granted and in what cases it shall be allowed.

The object of this Bill is to repeal this law by implication, and have a number of Bail Commissioners appointed.

Your Committee is unable to see wherein the Territory or the public welfare would be safeguarded by this new law; on the contrary, by taking the power away from the Courts, the door might be opened for a great deal of abuse.

Your Committee therefore recommends that further consideration of this Bill be indefinitely postponed.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was adopted.

At 10:42 o'clock Senator Woods moved to take a recess until 2 o'clock. Seconded by Senator Makekau and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 6) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 3 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., February 26, 1909.

Honorable W. O. Smith,

President of the Senate,

Legislature of Hawaii, Honolulu.

Dear Sir:—It affords me pleasure to inform your Honorable Body that the Governor has this day at 10 a. m. signed Act 3, House Bill No. 33, entitled:

An Act Making Special Appropriations to Compensate for the Taking by the Board of Health, During the Year, 1907, of the Property of Certain Persons on the Federal Reservation, County of Kalawao.

Very respectfully yours,

E. A. MOTT-SMITH,

Secretary of Hawaii.

The Communication was ordered received and placed on file.

A Communication (No. 22) from the House of Representatives, transmitting House Bill No. 20, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., February 26th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 20, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 20 entitled "An Act to Amend Section 2816 of the Revised Laws of Hawaii."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 23) from the House of Representatives, transmitting House Bill No. 24, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., February 26th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 24, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 24 entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii incurred during the Biennial Period ending the thirtieth day of June, A. D. 1907."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading.

A Communication (No. 24) from the House of Representatives, transmitting House Bill No. 29, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., February 26th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 29, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 29 entitled "An Act to Amend Act 99 of the Session Laws of 1905, entitled 'An Act Providing for the Construction of Roads through and from Public Lands opened for Settlement.'"

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Quinn, passed First Reading.

A Communication (No. 25) from the House of Representatives, transmitting House Bill No. 36, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 26th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 36, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 36 entitled "An Act to Amend Section 2512 of the Revised Laws of Hawaii Relating to Inheritance from Illegitimate Persons."

The bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Quinn, passed First Reading.

Under suspension of the Rules, Senator Brown offered the following Resolution (No. 27) relating to an Appropriation of \$536.96 to reimburse Levi C. Lyman for the purchase price of Lots 17 and 21 at Ponahawai, Hawaii:

RESOLUTION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII:

That there be inserted in the Appropriation for Unpaid Bills an item in favor of Levi C. Lyman for Five Hundred and Thirty-six and 96-100 Dollars (\$536.96) for his relief, and to be reimbursement to him of the amount of the purchase price paid by him to the Government of the Territory of Hawaii for Lots Numbers 17 and 21 under Freehold Agreements, Numbers 2 and 3 for homestead lots in Ponahawai, District of Hilo, Island of Hawaii, subsequently cancelled, said sum being computed as follows:

1. Amount of purchase price paid for Lot No. 21 as per Map No. 3 under Freehold Agreement No. 3.....	\$ 136.50
2. Amount of purchase price paid for Lot No. 17 as per Map No. 3 under Freehold Agreement No. 2.....	188.30
3. Interest on total of \$324.80 from date of payment of final instalments, July 12, 1899, at legal rates (being at 6% to April 24, 1905	\$112.56
and at 8% thereafter to date)	99.60 212.16
Total	\$ 536.96

The facts relating hereto are the following:

The case is one where Mr. Lyman was the original holder in 1896 of one lot, and the assignee in 1897 of a second lot, with the approval of the then Land Commissioners, under freehold agreements covering homestead lots in Ponahawai, District of Hilo, and thereafter performed all conditions required of him, including full payment of the purchase prices at which the lots were appraised, excepting only that he did not fulfill the condition of residence as required by law in such cases, which failure, in this last respect, was not fairly his own fault, he having accepted and reasonably acted upon the information given to him by the then Land Commissioners, that inasmuch as he already then held one lot (this being neither of the two lots here involved) and as those two lots, added to the first, did not exceed 100 acres in all of agricultural land, he might take them

up, as additional holdings, without actually fulfilling the residence condition. Under the land laws as they stand, this default can not and could not be remedied by Mr. Lyman and he has been forced to submit to a cancellation of his freehold agreements.

The truth of the facts and the justice of Mr. Lyman's claim are conceded by present Land Commissioner James W. Pratt and by Mr. Geo. H. Williams, present sub Land Agent of the First District, Mr. Pratt recommending that the petitioner be reimbursed for his payments of the purchase prices, with interest.

When Mr. Lyman made these payments they were erroneously turned over into the Government Treasury instead of being held on special deposit by the Department of Public Lands pending final disposition of the freehold agreements in question, this having been done by the then Land Commissioners. The Department, under its present administration, is therefore without funds to return the payments made, and an appropriation by the Legislature is necessary to meet this special case.

This matter was introduced in the Senate by Senator John T. Brown by Senate Petition No. 23 at the Session of 1907, and was referred to the Committee on Public Lands, which committee reported thereon under date of April 2, 1907, favoring the appropriation. The item with interest then accrued amounted to \$489.22, since which time additional interest has been added. This report of the Committee was laid upon the table to be considered with the Appropriation Bill, but through some oversight or accident failed to be forwarded to the House, and was not taken up on consideration of the bill.

JOHN T. BROWN,
Senator, First District.

Honolulu, T. H.,
February 26, 1909.

The Resolution was referred to the Committee on Ways and Means.

Senator McCarthy offered the following Resolution (No. 28) that Reporters of the Daily Newspapers be furnished with carbon copies of Committee Reports:

RESOLUTION.

WHEREAS, the Honolulu Press does a public service in reporting the proceedings of the Legislature without compensation;

RESOLVED, That the Senate recommend to its committees

that they furnish carbon copies of their reports to the Senate Reporters of the three daily papers, stating when desired if they wish the copies returned after use by the papers.

C. J. MCCARTHY,
Senator, 3rd District.

February 25, 1909.

Senator McCarthy moved that the Resolution be adopted. Seconded by Senator Coelho and carried.

At 2:10 o'clock the Chair announced a recess of 5 minutes.

At 2:15 o'clock the Senate reconvened.

Under suspension of the Rules, Senator Chillingworth offered the following Resolution (No. 29) instructing the Clerk of the Senate to furnish the Mayor and Board of Supervisors of the City and County of Honolulu with copies of all Bills and Resolutions:

RESOLUTION.

RESOLVED, that the Clerk of the Senate be instructed to furnish the Mayor and Members of the Board of Supervisors of the City and County of Honolulu with copies of Bills and Resolutions introduced in the Senate of the Territory of Hawaii.

CHAS. F. CHILLINGWORTH,
Senator, 3rd District.

The Resolution was, after discussion, withdrawn by Senator Chillingworth.

At 2:19 o'clock, upon motion of Senator Coelho, seconded by Senator Chillingworth, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

NINTH DAY.

Saturday, February 27, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Kalama absent.

The Journal of the Eighth Day was read and, upon motion of Senator Kalama, seconded by Senator Coelho, approved as read.

A Communication (No. 26) from the House of Representatives, transmitting House Concurrent Resolution No. 10, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 10, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, the films representing Hawaiian eating poi shown to invited guests at an exhibition by Mr. Bonine in the roof garden of the Young Hotel last evening are caricature on the manners and customs obtaining among the Hawaiian people, and

WHEREAS, the public exhibition of such films are representing the customary method of Hawaiians eating their national foods would be a gross libel on and insult to the Hawaiian race, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII, That we unanimously request Mr. Bonine to desist from further exhibition of the films herein referred to either here or elsewhere, and that he is hereby requested to destroy the said films forthwith.

The Communication was ordered received and placed on file.

Upon motion of Senator Coelho, seconded by Senator Knudsen, the Resolution was referred to a Select Committee of three.

The Chair thereupon appointed Senators Coelho, Woods and Kalama as such Select Committee.

Senator Brown presented the Report (No. 31) of the Committee on Enrollment, Revision and Printing on Senate Bill

No. 51, House Concurrent Resolution No. 2, Senate Concurrent Resolution No. 5, and other data relating to Bills pending in Congress seeking to amend the Land Laws of the Territory, as follows:

Honolulu, T. H., February 27, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bill No. 51 and House Concurrent Resolution No. 2, Senate Concurrent Resolution No. 5 and data relating to Amendments to Land Laws pending in Congress printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 32) of the Committee on Ways and Means on Governor's Messages, Nos. 3 and 5, as follows:

SENATE CHAMBER,

Honolulu, T. H., February 27, 1909.

Honorable W. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Messages of the Governor, Nos. 3 and 5, begs leave to report that it has had the same under careful consideration and would report as follows:

The Governor's Message, No. 3, submits for the consideration of the Senate, estimates for further appropriations out of the general revenues of the Territory for the current fiscal period, and recommends that this be separated into unpaid bills incurred during the last biennial fiscal period ending June 30, 1907, and additional requirements for the current period ending June 30, 1909.

House Bill No. 24, now before the Senate on second reading, makes special appropriations for the payment of certain claims against the Territory, incurred during the biennial period end-

ing the 30th day of June, A. D. 1907. Therefore, your Committee has not drafted or introduced any measure to cover the Governor's estimates for Unpaid Bills.

Your Committee would, however, recommend that those heads of departments who incurred these unpaid bills should inaugurate in their respective departments, a system of orders and regulations whereby, in the future no like indebtedness could be incurred except with the written consent of the proper authority, and that consent, for the incurrence of any indebtedness be not given without full knowledge of the financial condition of the appropriation for which the expense is to be incurred. In many instances, the unpaid bills were due to lack of proper system, and while innocent parties should not be made to suffer, the Legislature should not be called upon to rectify errors of this nature, and in the future we would recommend that only unpaid bills due to unforeseen or abnormal conditions be recommended for payment.

In this connection, we would also call attention to Section 2 of Act 127 of the Session Laws of 1907, which reads as follows:

"Section 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditures of any money from the Treasury to be hereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited."

That portion of the Governor's message relating to appropriations for additional requirements for the current period ending June 30, 1909, will be covered by the introduction of a Bill by this Committee.

As regards Governor's Message No. 5, your Committee would report that the item therein recommended, i. e., that an appropriation be made for the scientific investigation of leprosy at Honolulu, and to provide the necessary quarters for such work, is covered by the insertion of an item in the Bill to be presented to the Senate.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

H. T. MOORE,
W. J. COELHO,
JOHN T. BROWN,
E. W. QUINN.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 33) of the Committee on Judiciary on House Bill No. 44 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 27th, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom House Bill No. 44, entitled "An Act Amending Act 108 of the Session Laws of 1907," was referred, begs leave to report that it has had the same under careful consideration, and would make the following recommendations:

Act 108 of the Session Laws of 1907 amended Section 66 of Act 39 known as the County Act, requiring the Boards of Supervisors to hold their meetings on the first Wednesday of each month, except in the County of Maui, where it was set for the first Wednesday after the fifth day of each month.

The County of Maui now wishes to do away with the exception and the object of House Bill 44 is to amend Act 108 so as to conform to their wishes.

Your Committee sees no reason why the wishes of Maui County should not be complied with and recommends the passage of the Bill with the following amendments:

1. Amend the title so as to read as follows:

"An Act to Amend Section 66 of Chapter 14 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof,' as amended by Act 108 of the Session Laws of 1907."

2. Amend Section 1 to read as follows:

"Section 1. Section 66 of Chapter 14 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof,' as Amended by Act 108 of the Session Laws of 1907, is hereby amended to read as follows:

"Section 66. The Board shall hold regular meetings for the transaction of public business beginning on the first Wednesday of each month and continue in session for as many days as the transaction of such business may require, and it shall call such special meetings as may be necessary for the public welfare."

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be adopted. Seconded by Senator Brown.

Senator Kalama moved that the Report of the Committee be laid on the table to be considered with the Bill on Monday, March 8, 1909. Senator Knudsen withdrew his motion and accepted the motion of Senator Kalama which carried.

Senator Knudsen presented the Report (No. 34) of the Committee on Judiciary on Senate Bill No. 36 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 27th, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 36, entitled "An Act to Amend Sections 2230, 2235 and 2240 of the Revised Laws Relating to Divorce and to Add a New Section thereto to be known as Section 2235A," begs leave to report that it has had the same under careful consideration, and would recommend that Senate Bill No. 36 be laid on the table and that the Substitute Bill, prepared by this Committee and presented herewith, be passed.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Knudsen on behalf of the Committee on Judiciary introduced a Bill (S. B. No. 52) entitled "An Act to Amend Sections 2228 and 2230 of the Revised Laws Relating to Divorce."

Senator Knudsen moved that the Bill pass First Reading and be referred to the Committee on Enrollment, Revision and Printing. Seconded by Senator Fairchild and carried.

Senator Fairchild, on behalf of the Committee on Ways and Means, gave notice of intention to introduce a Bill entitled "An Act Making Additional Appropriations for the Departmental use of the Territory for the Biennial Period ending the Thirtieth Day of June, A. D. 1909."

Under suspension of the Rules, Senator Fairchild, on behalf of the Committee on Ways and Means, introduced a Bill (S. B. No. 53) entitled "An Act Making Additional Appro-

priations for the Departmental use of the Territory for the Biennial Period ending the Thirtieth day of June, A. D. 1909."

The bill was read by title and, upon motion of Senator Quinn, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Knudsen presented the Report (No. 35) of the Committee on Judiciary on Senate Bill No. 33 as follows:

SENATE CHAMBER,

Honolulu, T. H., February 26, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 33, entitled "An Act to Amend Section 1634 of the Revised Laws, Relating to Substitute Justices of the Supreme Court," begs leave to report that it has had the same under careful consideration, and would report as follows:

Section 1634 of the Revised Laws provides how Substitute Justices may be appointed to sit on the Supreme Court Bench in cases where the Justices of the Supreme Court are disqualified.

In line 15 of that section, it provides that the Circuit Judges shall be "called in rotation." Just what is meant by that phrase has been troubling the Court and the Lawyers, and the object of Bill No. 33 is to strike out these words and give the Supreme Court the right to select any one or more of the Judges of the Circuit Court, who may not be disqualified, to fill vacancies in the Supreme Court Bench.

Your Committee believes it desirable that this uncertainty be removed, and recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Kalama, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Baker offered the following Resolution (No. 30) that when the Senate adjourns, it does so out of respect to the memory of the late Joseph O. Carter:

RESOLUTION.

BE IT RESOLVED, that when the Senate adjourns for the day, it does so out of respect for the memory of the late Joseph O. Carter.

DAVID K. BAKER,
Senator 1st District.

Senate Chamber,
February 27th, 1909.

Upon motion of Senator Baker, seconded by Senator Knudsen, the Resolution was adopted unanimously.

Senator Moore gave notice of intention to introduce the following Bills:

"An Act to Amend Paragraph 22, Chapter V, Section 25, Act 118 of the Session Laws of 1907."

"An Act to Amend Paragraph 6, Chapter IV, Section 9, Act 39 of the Session Laws of 1905."

Under suspension of the Rules, Senator Moore introduced a Bill (S. B. No. 54) entitled "An Act to Amend Paragraph 22, Chapter V, Section 23, Act 118 of the Session Laws of 1907."

The bill was read by title and, upon motion of Senator Moore, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Moore introduced a Bill (S. B. No. 55) entitled "An Act to Amend Paragraph 6, Chapter IV, Section 9, Act 39 of the Session Laws of 1905."

The bill was read by title and, upon motion of Senator Moore, seconded by Senator Harvey, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 44 entitled "An Act Amending Section 391 of the Revised Laws of Hawaii Relating to Commissioners of Fences."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekani, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Joint Resolution No. 1.

The Joint Resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fair-

child, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 11 entitled "An Act Making Special Appropriation for the Purpose of Assisting Hawaii's Exhibit at the Alaska-Yukon-Pacific Exposition."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 12 entitled "An Act to Provide Entertainment and Expenses of such Senators and Members of the House of Representatives of the United States and other Distinguished Persons as may visit the Territory of Hawaii prior to June 30, 1911."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 20 entitled "An Act to Amend Section 2816 of the Revised Laws of Hawaii."

The Bill was referred to the Committee on Judiciary.

Second Reading of House Bill No. 24 entitled "An Act Making Special Appropriations for the Payment of Certain Claims against the Territory of Hawaii incurred during the Biennial Period ending the thirtieth day of June, A. D. 1907."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 29 entitled "An Act to Amend Act 99 of the Session Laws of 1905 entitled 'An Act Providing for the Construction of Roads through and from Public Lands opened for Settlement.'"

Upon motion of Senator McCarthy, seconded by Senator Woods, the Bill was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of House Bill No. 36 entitled "An Act to Amend Section 2512 of the Revised Laws of Hawaii Relating to Inheritance from Illegitimate Persons."

Referred to the Committee on Judiciary.

The Senate proceeded with the consideration of House Concurrent Resolution No. 2.

Senator McCarthy moved to amend the Resolution by striking out the words "the same" in line 3 of Page 2 and inserting in lieu thereof the word "he". Seconded by Senator Coelho and carried.

The Resolution was then adopted as amended.

Senator Coelho moved to adopt Senate Concurrent Resolution No. 5. Seconded by Senator Brown.

Senator McCarthy moved that the Resolution, with other matters pertaining to the amendment of the Land Laws by Congress, be considered in Committee of the Whole, immediately after the Reading of the Journal, on Tuesday, March 2, 1909. Seconded by Senator Woods.

The motion to adopt the Resolution was withdrawn and the motion of Senator McCarthy, being put, carried.

Second Reading of Senate Bill No. 51 entitled "An Act to Amend Sections 186, 187 and 188 of the Revised Laws Relating to the Department of Public Instruction."

Upon motion of Senator Robinson, seconded by Senator Knudsen, action on the Bill was deferred until Monday, March 1st, 1909.

Under suspension of the Rules, Senator Brown presented the Report (No. 36) of the Committee on Enrollment, Revision and Printing of Senate Bill No. 50, as follows:

Honolulu, T. H., February 27th, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bill No. 50 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild for the Committee on Ways and Means asked leave to return Senate Resolution No. 23 to the Senate, the item having been inserted in the Appropriation Bill. Granted.

Second Reading of Senate Bill No. 50 entitled "An Act to Provide for a Hydrographic Survey of the Districts of North and South Kona and Kau."

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Bill was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

At 11:02 o'clock the Chair announced a recess of 5 minutes.

At 11:07 o'clock the Senate reconvened, Senator Knudsen moving to adjourn. Seconded by Senator Coelho, and carried.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TENTH DAY.

Monday, March 1, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the Chaplain, the Roll was called showing Senator Kalama absent.

The Journal of the Ninth Day was read and, upon motion of Senator McCarthy, seconded by Senator Coelho, approved as read.

A Communication (No. 7) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Joint Resolution No. 1 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., February 27, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—It affords me pleasure to inform your Honorable Body that the Governor has this day at 10:55 a. m. signed Joint Resolution No. 1 (House Joint Resolution No. 2), with reference to the appointment of a commission which shall investigate and examine into the matter of fruit growing and truck farming throughout the Territory and the handling and disposal of the products derived therefrom.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
A Communication (No. 27) from the House of Representatives, transmitting House Bill No. 18, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 27th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 18, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 18 entitled "An Act to Amend Section 1660 of the Revised Laws of Hawaii as Amended by Act 61 of the Session Laws of 1905, Relating to the Appointment and Removal of District Magistrates."

The bill was read by title and, upon motion of Senator Brown, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 28) from the House of Representatives, transmitting House Bill No. 22, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 27th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 22, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 22 entitled "An Act to Amend Section 1418D of the Revised Laws of Hawaii as En-

acted by Section 1 of Act 96 of the Session Laws of 1907, Relating to Licenses."

The bill was read by title and, upon motion of Senator Brown, seconded by Senator Coelho, passed First Reading.

A Communication (No. 29) from the House of Representatives, transmitting House Bill No. 38, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 27th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 38, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 38 entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

The bill was read by title and, upon motion of Senator Brown, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 30) from the House of Representatives, transmitting House Bill No. 54, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 27th, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 54, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 54 entitled "An Act Relating to Inventories of Government Assets."

The bill was read by title and, upon motion of Senator Brown, seconded by Senator Coelho, passed First Reading.

Senator Brown presented the Report (No. 37) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 52, 53, 54 and 55, as follows:

Honolulu, T. H., March 1, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 52, 53, 54 and 55 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen presented the Report (No. 38) of the Committee on Judiciary on House Concurrent Resolution No. 3, as follows:

SENATE CHAMBER,

Honolulu, T. H., February 27, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred House Concurrent Resolution No. 3, begs leave to report that it has had the same under careful consideration and would recommend the adoption of the Resolution amended to read as follows:

"CONCURRENT RESOLUTION.

BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring:

That it denounces, as detrimental to the best interests of Hawaii, the advocacy of a Government by Commission in place of the present form of Territorial Government, and that it declares

it to be the wish and desire of the people of this Territory that the form of Government now enjoyed should be continued until such time as through it Hawaii shall be prepared to take her place as one of the States of the Union."

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator McCarthy, seconded by Senator Brown, the Report of the Committee was adopted.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act Prohibiting Persons from Associating themselves together in Military Companies or Organizations or for Military Purposes and, or, the Giving or Receiving of Military Instruction."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 56) entitled "An Act to Prohibit Persons from Associating themselves together in Military Companies or Organizations or for Military Purposes and, or the Giving or Receiving of Military Instruction."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Brown gave notice of intention to introduce the following Bills:

"An Act to Provide for the Erection of a Government Building in Hilo, County of Hawaii, for the use of the Fourth Judicial Circuit Court and other Public Purposes."

"An Act to Amend Section 1221 of the Revised Laws Relating to Property Exempt from Taxation."

Under suspension of the Rules, Senator Brown introduced a Bill (S. B. No. 57) entitled "An Act to Provide for the Erection of a Government Building in Hilo, County of Hawaii, for the use of the Fourth Judicial Circuit Court and other Public Purposes."

The bill was read by title and, upon motion of Senator Brown, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Brown introduced a Bill (S. B. No. 58) entitled "An Act to Amend Section 1221 of the Revised Laws Relating to Property Exempt from Taxation."

The bill was read by title and, upon motion of Senator Brown, seconded by Senator Kalama, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act to Prohibit the Wearing of the Uniform of the United States Army or Navy or National Guard of Hawaii."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 59) entitled "An Act to Prohibit the Wearing of the Uniform of the United States Army or Navy or National Guard of Hawaii."

The bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator Woods, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 16 entitled "An Act Relating to Fishing in the Fisheries in the Sea Waters of the Territory of Hawaii."

Senator McCarthy moved that action on the Bill be deferred until Saturday, March 6, 1909. Seconded by Senator Woods and carried.

Second Reading of Senate Bill No. 35 entitled "An Act to Amend Section 1644 of the Revised Laws as Amended by Act 34 of the Laws of 1905 and Act 50 of the Laws of 1907 Relating to the Terms of the Circuit Courts."

Senator Coelho moved that the Bill be Indefinitely Postponed. Seconded by Senator Makekau.

Senator Chillingworth moved as an amendment that action on the Bill be deferred until Thursday, March 4, 1909. Senator Coelho accepted the amendment which carried.

Senator Coelho moved that action on House Concurrent Resolution No. 5 be deferred until Saturday, March 6, 1909. Seconded by Senator Chillingworth and carried.

Second Reading of Senate Bill No. 51 entitled "An Act to Amend Sections 186, 187 and 188 of the Revised Laws Relating to the Department of Public Instruction."

Senator Robinson moved to insert the words "January" and "July" in the blanks in lines 7 and 8 of Section 3. Seconded by Senator McCarthy and carried.

Senator McCarthy moved to strike out the word "actual" in line 9 of Section 2 and insert in lieu thereof the word "necessary." Seconded by Senator Woods and carried.

Senator McCarthy moved that the Bill pass Second Reading as amended. Seconded by Senator Brown and carried.

Third Reading of Senate Bill No. 33 entitled "An Act to Amend Section 1634 of the Revised Laws Relating to Substitute Justices of the Supreme Court."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—1.

Second Reading of Senate Bill No. 52 entitled "An Act to Amend Sections 2228 and 2230 of the Revised Laws Relating to Divorce."

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Bill passed Second Reading.

Second Reading of Senate Bill No. 53 entitled "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period ending the thirtieth day of June, A. D. 1909."

Senator Coelho moved that the Bill be recommitted to the Committee on Ways and Means. Seconded by Senator Fairchild and carried.

Second Reading of Senate Bill No. 54 entitled "An Act to Amend Paragraph 22, Chapter V, Section 23, Act 118 of the Session Laws of 1907."

Upon motion of Senator Moore, seconded by Senator Knudsen, the Bill was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of Senate Bill No. 55 entitled "An Act to Amend Paragraph 6, Chapter IV, Section 9, Act 39 of the Session Laws of 1905."

Upon motion of Senator McCarthy, seconded by Senator Moore, the Bill was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Under suspension of the Rules, Senator Kalama presented the Report (No. 39) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Resolution No. 6, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 1, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Lands, etc., to whom was referred Senate Resolution No. 6 requesting the Commissioner

of Public Lands to furnish the Senate with a list of all applications for Public Lands filed during the past four years, with the correspondence connected therewith, etc., begs leave to report that it has had the same under careful consideration and finds, that the particular matters to which the information to be elicited from the correspondence on file, is intended only to apply to the lands known as Keaau, on Oahu, and Hukiaa, Kokoiki, Opihipau and Kealahewa, on Hawaii.

Your Committee therefore recommends that the Resolution be amended to read as follows:

“RESOLUTION.

RESOLVED, that the Commissioner of Public Lands be and he is hereby requested to forthwith send to the Senate a full list of all written and verbal applications for the lands known as Keaau, on Oahu, and Hukiaa, Kokoiki, Opihipau and Kealahewa, on Hawaii, which are filed in his office and which were made to him, whether the same were made by individuals or corporations, stating those granted and those not granted, and giving the reasons for not granting them; and

RESOLVED FURTHER, that he submit with said lists copies of all correspondence relative to them, together with the Governor's instructions concerning the same.”

With these amendments the Committee recommends that the Resolution be adopted.

S. E. KALAMA,
Chairman.
ERIC A. KNUDSEN,
PALMER P. WOODS.

Senator Coelho moved that the Report of the Committee be adopted. Seconded by Senator Kalama and carried.

At 10:55 o'clock, upon motion of Senator Coelho, seconded by Senator McCarthy, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

ELEVENTH DAY.

Tuesday, March 2, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Quinn (reported sick) absent.

The Journal of the Tenth Day was read and, upon motion of Senator Harvey, seconded by Senator Brown, approved as read.

At 10:10 o'clock the Senate resolved itself into Committee of the Whole for the consideration of Senate Concurrent Resolution No. 5, Senator Kalama in the Chair.

At 11:55 o'clock the Senate came to order, Senator Kalama, for the Committee of the Whole, reporting progress and asking leave to sit again.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

Under suspension of the Rules, Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Confirm the Titles of the Holders and Claimants of Unawarded and Unpatented Lands in Certain Cases, and to Provide for the Conveyance of any Rights of the Territory therein."

Senator Coelho introduced a Bill (S. B. No. 60) entitled "An Act to Confirm the Titles of the Holders and Claimants of Unawarded and Unpatented Lands in Certain Cases, and to Provide for the Conveyance of any Rights of the Territory therein."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 11:58 o'clock, upon motion of Senator Coelho, seconded by Senator Woods, the Senate took a recess until 2 o'clock.

. AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 8) from Marston Campbell, President and Executive Officer, Board of Agriculture and Forestry, inviting the Members of the Senate to visit and inspect the Station and work of the Board, was read by the Clerk as follows:

BOARD OF COMMISSIONERS OF AGRICULTURE
AND FORESTRY.

Honolulu, Hawaii, March 2, 1909.

The Honorable President and
Members of the Senate,
Territory of Hawaii,
Honolulu.

Gentlemen:—By resolution adopted by the Board of Commissioners of Agriculture and Forestry, I was instructed to extend to the Honorable President and Members of the Senate an invitation to visit and inspect the Station and work of the Board.

Respectfully,

MARSTON CAMPBELL,
President and Executive Officer,
Board of Agriculture and Forestry.

Upon motion of Senator Coelho, seconded by Senator Moore, the Communication was ordered received with thanks and placed on file.

A Communication (No. 9) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 4 and 5 and Joint Resolution 2 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 2, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—It gives me pleasure to notify your Honorable Body that the Governor, on March 1, 1909, at 4:25 p. m., signed the following bills and joint resolution:

House Bill No. 11, Act 4, An Act Making Special Appropriation for the Purpose of Assisting Hawaii's Exhibit at the Alaska-Yukon-Pacific Exposition;

House Bill No. 12, Act 5, An Act to Provide for Entertainment and Expenses of Such Senators and Members of the House of Representatives of the United States and Other Distinguished Persons as May Visit the Territory of Hawaii Prior to June 30, 1911;

House Joint Resolution No. 1, Joint Resolution 2, with refer-

ence to the appointment of a commission to thoroughly investigate and examine into the matter of private wharves and landings throughout the Territory.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 31) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Concurrent Resolution No. 2, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1st, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Concurrent Resolution No. 2.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 32) from the House of Representatives, transmitting House Bill No. 16, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1st, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 16, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 16 entitled "An Act Exempting Certain Persons from the Payment of Poll, Road and School Tax."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading.

A Communication (No. 33) from the House of Representatives, transmitting House Bill No. 27, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1st, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 27, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 27 entitled "An Act to Reduce the Price of the Revised Laws of Hawaii."

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 34) from the House of Representatives, transmitting House Bill No. 37, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1st, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 37, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 37 entitled "An Act to Amend Chapter 14 of the Revised Laws of Hawaii Relating to 'Taxation, Educational and Judicial Districts.'" "

The bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 35) from the House of Representatives, transmitting House Concurrent Resolution No. 11, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1st, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 11, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, the competition of subsidized foreign steamships, manned by cheap labor, has forced various American steamers into retirement and threatens to cause further suspensions of service between Hawaii and the Mainland; and

WHEREAS, the American coastwise regulations, while preventing foreign vessels from carrying passengers between Hawaii and the Mainland, have not protected American shipping sufficiently to provide needed transportation facilities; and

WHEREAS, the volume of travel is greatly lessened and much unjust hardship, delay and expense are caused by the present lack of transportation facilities; and

WHEREAS, these conditions unless remedied by legislation, threaten to become worse, finally resulting in disastrous isolation of this Territory; therefore be it

RESOLVED, by the Legislature of the Territory of Hawaii, that pending the operation of an effective ship subsidy law or other measure which will encourage American steamship lines, the coastwise regulations which prohibit foreign vessels from carrying passengers between Hawaii and the Mainland should be suspended; and

RESOLVED, that in thus asking for a suspension of the coastwise regulations we reiterate our hearty support of the subsidy measure and our earnest wish to see such a development of the American merchant marine as will make use of foreign steamers between here and the coast unnecessary and warrant a speedy restoration of the full force and effect of the coastwise regulations; and be it further

RESOLVED, that copies of these resolutions be sent to the President of the United States and to each of the members of the Senate and the House of Representatives, and that our Delegate in Congress, Honorable J. K. Kalaniana'ole, be urged to continue his efforts to secure action in accordance with the policy herein stated and further

RESOLVED, that we do formally endorse and express appreciation of the excellent service our Delegate has already rendered in this behalf.

The Communication was ordered received and placed on file. House Concurrent Resolution No. 11 was ordered referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

A Communication (No. 36) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Concurrent Resolution No. 3, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H. March 2nd, 1909.

To the Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Concurrent Resolution No. 3.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 9) from the Merchants' Association, endorsing and urging the passage of House Concurrent Resolution No. 6, was read by the Clerk as follows:

**MERCHANTS' ASSOCIATION OF HONOLULU,
McCANDLESS BUILDING,**

Honolulu, Hawaii.

To the President and Members of the Senate
of the Territory of Hawaii.

Gentlemen:—Enclosed herewith please find copy of Concurrent Resolution No. 6, with full endorsement of the Directorate of the Merchants' Association of Honolulu.

We trust for favorable action on the same.

Respectfully,

EMIL A. BERNDT,
Secretary, Merchants' Association.

CONCURRENT RESOLUTION, NO. 6.

WHEREAS, this Territory has a large population of Japanese living here in friendly association with the citizens of the Territory and forming a valuable element in the industrial prosperity of the Islands; and

WHEREAS, the cordiality of relations between the Japanese and American peoples has been endangered by the attempt of certain legislative agitators to force enactment of laws prejudicial to the rights of Japanese in some sections of the country;

NOW, THEREFORE, BE IT RESOLVED, by the Legislature of the Territory of Hawaii, that we express our approval of the fair and patriotic attitude of President Roosevelt in using his strong influence to prevent such legislation and, by continuing fair and friendly treatment, to preserve the amicable relations so long existing between Japan and the United States, and we congratulate the legislatures of neighboring States for having, by substantial majorities, defeated all laws of the undesirable character above referred to.

RESOLVED, FURTHER, that a copy of this resolution be forwarded by the Secretary of the Territory to the President of the United States;

AND BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to His Imperial Japanese Majesty's Consul General at Honolulu.

We, the undersigned, Directors of the Merchants' Association

of Honolulu, fully endorse the above Resolution, known as the "Douthitt Measure," Joint Resolution No. 6.

FRED L. WALDRON,
President.
W. F. DILLINGHAM,
Vice-President.
C. C. von HAMM,
Treasurer.
G. F. BUSH,
T. H. PETRIE,
GEO. W. SMITH,
E. H. PARIS,
EMIL A. BERNDT,
Secretary.

The Communication was ordered referred to the Committee on Judiciary.

Senator Brown presented a Petition (No. 10) from certain persons praying for an Appropriation of \$1,918.55 to reimburse them for damages sustained through the Fumigation of the Ah Hee Block, Honolulu, as follows:

TO THE HONORABLE MEMBERS OF THE LEGISLATURE
OF THE TERRITORY OF HAWAII IN LEGISLATIVE
SESSION ASSEMBLED FOR THE BIENNIAL TERM
OF A. D. 1909.

Gentlemen:—Your petitioners humbly pray the attention of your Honorable Body to the following facts:

On or about the 20th day of December, A. D. 1907, the Board of Health of the Territory of Hawaii declared certain premises situated in the City and County of Honolulu, quarantined said premises, being known as the Ah Hee Block, on River Street, between Kukui and Vineyard Streets, in said Honolulu as aforesaid.

The Territorial Board of Health, then proceeded to remove the residents of said block (quarantined block) to the Quarantine Station for the period of about eight days and during said time of quarantine the rooms occupied by said quarantined petitioners were fumigated and about all of the belongings of said petitioners were destroyed. (Not only furniture and clothes but also valuable papers, etc.)

Your petitioners are composed of people that are in destitute circumstances and our only redress is by direct appeal to the duly elected representatives of the people.

WHEREFORE, we pray that the amount of Nineteen Hun-

dred Eighteen and 55-100 (\$1,918.55) Dollars be placed in the appropriation bill for the purpose of paying the damage sustained by your petitioners whose names are hereto annexed to and made a part of this petition and your petitioners shall ever pray.

NAMES OF PETITIONERS AND THE AMOUNT OF
DAMAGES SUSTAINED.

Hee Ting Loy	\$ 127.50
Hee Ting Leong	177.60
Leong Ee.	101.55
Chong Ee Chang	106.55
Sung Hoi Kee	102.05
Chong See Ah Po.....	109.65
Lun Fook Chin	70.50
Tung Yee	70.20
Dung Sung	44.15
Yee Wo Lung	133.20
David Kealohanui	80.00
Kalaniwaini (w)	27.25
Wong Kee.	389.15
Chong Li Kon	42.20
Hi Wai	35.15
Yon Wo Gaikin	38.40
Wong Mon.	55.05
Loo Si Lin	99.40
	<hr/>
	\$1,918.55

The Petition was ordered referred to the Committee on Public Health.

Senator Coelho offered the following Resolution (No. 31) requesting the Clerks of the Circuit Courts of the Territory to report all probate cases and matters pending and undetermined:

RESOLUTION.

RESOLVED, that the Clerks of the several Circuit Courts of the Territory of Hawaii be and they are hereby requested to forthwith examine all records of their respective courts and report to the Senate not later than March 31, 1909, all probate cases and matters which are still pending and which should be terminated, giving the title of the cause, the date of filing or commencement of the same, the date of filing the past report (if

any), the name of the administrator, executor or guardian, the name of the surety or sureties, if any, and to append to such report the cause of failure to determine and close such proceedings where neglect is apparent; and to submit also such other information and recommendations as they may deem proper to make.

W. J. COELHO,
Senator, 2nd District,

The Resolution was ordered referred to the Committee on Judiciary.

Senator Coeiho offered the following Resolution (No. 32) requesting the Attorney General of the Territory to furnish certain information in re the case of "Wailuku Sugar Company vs. Marston Campbell, Superintendent of Public Works et al":

RESOLUTION.

WHEREAS, there is now pending in the Circuit Court of the First Judicial Circuit, at Chambers, a suit entitled: "The Wailuku Sugar Company vs. Marston Campbell, Superintendent of Public Works of the Territory of Hawaii, and William E. Bal, Superintendent of the Wailuku and Kahului Water Works, defendants", filed the 29th day of August, 1908, and;

WHEREAS, on the 15th day of September, 1908, on motion of and on behalf of the said Wailuku Sugar Company by its attorneys, Kinney and Marx, and the defendants appearing without offering defense therefor and consenting thereto in open court by their counsel, Hon. C. R. Hemenway, Attorney General of Hawaii, and waiving certain rights therein, the said Court, Ordered, Adjudged and Decreed that the defendants above named and each of them, their agents or servants, and all persons acting for or under them, or either of them, or by other authority be and they are thereby, during the pendency of said action **restrained and enjoined** from taking water from the Iao Valley or Wai'uku River or branches thereof being taken by the defendants at the time of the commencement of said suit, and from making any new connections of the pipe line now laid by the said defendants, or connecting any pipe line thereafter to be laid by said defendants, their servants, with the said water from said Iao Valley, the Wailuku River or the branches thereof, and from transporting and running said water through said pipes already laid at the commencement of said suit in excess of the quantity so transported and run at the time of the commencement of this suit, and from using any part or portion of the said water from said

locality and streams for any other purpose or in any other manner than the same was being used by said defendants, their agents or servants at the time of the commencement of said action; and

WHEREAS, by reason of the injunction above mentioned the citizens and residents of Wailuku and Kahului, Maui, are forced to suffer greatly for the want of water through the apparent neglect of the Attorney General in failing to properly represent to the Honorable Judge of the said Court, the serious result of such injunction, a condition which could have been avoided, had the same been called to the attention of the said Court; and

WHEREAS, the consideration of the action on the merits have not as yet been set and there seems to be no apparent desire on the part of the said Attorney General to move said cause for a hearing at an early date, now therefore;

BE IT RESOLVED, that the Hon. C. R. Hemenway, Attorney General of Hawaii, be and he is hereby requested to inform this Senate when he would be ready to move the said cause for a hearing and what he intends to do in the premises, and more particularly, as to the matter of the injunction and restraining order above referred to.

W. J. COELHO,
Senator, 2nd District,

Upon motion of Senator Knudsen, seconded by Senator Harvey, the Resolution was referred to the Committee on Judiciary.

Senator Coelho offered the following Resolution (No. 33) requesting the Treasurer of the Territory to furnish certain information regarding the sale of fish at auction by the Hawaiian Fisheries, Limited:

RESOLUTION.

WHEREAS, there is now being conducted each day at the Honolulu Fish Market, regular auction sale under and by virtue of a Merchandise Broker's License issued to the Hawaiian Fisheries, Limited, therefore

RESOLVED, that the Treasurer of the Territory of Hawaii be and he is hereby requested to inform this Senate under and by what authority did he give such holder of the said Merchandise Broker's License to do and carry on an auction business?

W. J. COELHO,
Senator, 2nd District,

Upon motion of Senator Fairchild, seconded by Senator Moore, the Resolution was referred to the Committee on Judiciary.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 51 entitled "An Act to Amend Sections 186, 187 and 188 of the Revised Laws Relating to the Department of Public Instruction."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson and Woods—12.

Noes: Mr. President—1.

Not Present: Senators Chillingworth and Quinn—2.

Third Reading of Senate Bill No. 52 entitled "An Act to Amend Sections 2228 and 2230 of the Revised Laws Relating to Divorce."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—12.

Noes: Senator Coelho—1.

Not Present: Senators Chillingworth and Quinn—2.

Second Reading of House Bill No. 18 entitled "An Act to Amend Section 1660 of the Revised Laws of Hawaii as Amended by Act 61 of the Session Laws of 1905 Relating to the Appointment and Removal of District Magistrates."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 22 entitled "An Act to Amend Section 1418D of the Revised Laws of Hawaii as Enacted by Section 1 of Act 96 of the Session Laws of 1907, Relating to Licenses."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 38 entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 54 entitled "An Act Relating to Inventories of Government Assets."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Under suspension of the Rules, Senator Knudsen gave notice of intention to introduce a Bill entitled "An Act to Provide for Validating the Incorporation of Railway and Transportation Companies heretofore incorporated under Charters granted by the Treasurer of the Territory of Hawaii with the

consent of the Governor, or by their predecessors in office, and certain Contracts made and Acts and Proceedings had under said Charters and Amendments thereto, and in Reference thereto, and the Granting thereof."

Senator Knudsen introduced a Bill (S. B. No. 61) entitled "An Act to Provide for Validating the Incorporation of Railway and Transportation Companies heretofore Incorporated under Charters granted by the Treasurer of the Territory of Hawaii with the consent of the Governor, or by their predecessors in office, and certain Contracts made and Acts and Proceedings had under said Charters and Amendments thereto, and in Reference thereto, and the Granting thereof."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator McCarthy gave notice of intention to introduce a Bill entitled "An Act to Amend Section 3196 of the Revised Laws of Hawaii, Pertaining to Offenses Against the Right of Sepulture."

Senator McCarthy introduced a Bill (S. B. No. 62) entitled "An Act to Amend Section 3196 of the Revised Laws of Hawaii, Pertaining to Offenses Against the Right of Sepulture."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 2:42 o'clock Senator Coelho moved to adjourn. Seconded by Senator Harvey and carried.

WILLIAM SAVIDGE,

Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,

President of the Senate.

TWELFTH DAY.

Wednesday, March 3rd, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Eleventh Day was read and, upon motion of Senator Coelho, seconded by Senator Harvey, approved as read.

A Communication (No. 10) from Alfred S. Hartwell, Chief Justice, transmitting all reports received from the Clerks of the several Circuit Courts pursuant to Senate Resolution adopted May 1st, 1907, was read by the Clerk as follows:

SUPREME COURT, TERRITORY OF HAWAII,

Honolulu, March 3, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Herewith I transmit to you all the reports made to me by the clerks of the several circuit courts pursuant to Senate Resolution on the subject of May 1, 1907. My report to the Legislature stated the number and kinds of cases as far as reported to me, condensing the clerks' reports and as I supposed giving the desired information, saving the expense of printing.

Respectfully,

ALFRED S. HARTWELL,
Chief Justice.

JUDICIARY DEPARTMENT.
CIRCUIT COURT, SECOND CIRCUIT,

Wailuku, Maui, T. H., March 3, 1909.

Henry Smith, Esq.,
Clerk Judiciary Department,
Honolulu.

Dear Sir:—I enclose you my report of undisposed matters pending in this Court, showing Law, Equity, Divorce and Probate matters.

The reason of my delay in this matter was that we had a very busy October Term which lasted to almost the last week in December, and then other matters coming up this was forgotten, and then I had to go to Honolulu to see Judge Kingsbury, and there was more delay.

The Law cases are those I have found to still be open, that is, there is still moneys on deposit. In Probate, I have only gone back and started from 1904, and only take up those before that where it has been called to the Court's attention.

Yours respectively,

(Signed)

EDMUND H. HART,
Clerk.

TABLE SHOWING MATTERS UNDISPOSED OF IN THE
CIRCUIT COURT OF THE SECOND CIRCUIT, TER-
RITORY OF HAWAII, DECEMBER 31, 1908.

LAW—

J. H. Wilson v. L. M. Whitehouse. Assumpsit, filed February 18, 1905.

Kahahawai v. Kanohohale. Quiet Title. August 24, 1898. Off Calendar.

Mossman v. Wilcox et al. Quiet Title. October 13, 1899. Off Calendar.

Mossman v. Parker. Quiet Title. October 13, 1899. Off Calendar.

Kihei Plant. Co. v. Kawaipimaka. Ejectment. December 29, 1899. Off Calendar.

Ilae v. Makee et al. Ejectment. January 3, 1900. Off Calendar.

Jas. Kona v. T. H. Fishery. May 28, 1902.

Kekapai v. Pinheiro. Quiet Title. June 20, 1902. Off Calendar.

H. Waterhouse, tr. v. T. H. Fishery. June 10, 1902.

W. H. Cornwell v. T. H. Fishery. June 10, 1902.

Wm. Shaw v. T. H. Fishery. June 13, 1902.

Lokalia Freeman v. T. H. Fishery. June 14, 1902.

C. A. Buchanan v. T. H. Fishery. June 14, 1902.

S. Ahmi v. Baldwin et al. Damages. August 13, 1903. Off Calendar.

H. Hackfeld v. Kaae. Assumpsit. January 19, 1904. Off Calendar.

Meleaka How On v. Amoe Ah Ho. Assumpsit. August 3, 1905. Off Calendar.

Lahaina Agr. Co. v. Poaha. Quiet Title. August 18, 1906.

Lyons v. Est. Enos. Assumpsit. December 4, 1907.

A. Enos v. Lyons. Assumpsit. December 30, 1907.

D. L. Levi v. Makalei. Ejectment. January 27, 1908.

N. Omsted v. Grinbaum et al. Ejectment. February 24, 1908.

Rowena K. Hose v. Richardson. Replevin. March 3, 1908.

Sylva v. Wailuku Sugar Co. Trespass. July 31, 1908.

Cornwell v. Wailuku Sugar Co. Trespass. July 31, 1908.

Jackson v. Wailuku Sugar Co. Trespass. July 31, 1908.

Laahia v. Pioneer Mill Co. Ejectment. September 29, 1908.

A. de S. Pombo v. Ezera. Covenant. September 29, 1908.

T. Hayashi v. Honda. Assumpsit. October 2, 1908.

Hackfeld & Co. v. Ishimura. Assumpsit. October 2, 1908.

Kitamura v. Keanu. Damages. October 2, 1908.

Furtado v. Mossman. Assumpsit. October 2, 1908.

Medeiros v. Medeiros. Summary Possession. October 28, 1908.

Medeiros v. Medeiros. Assumpsit. October 28, 1908.

Lopez v. Gregulho. Replevin. November 13, 1908.
 D. W. Kukaua v. Kapiha. Assumpsit. December 7, 1908.
 Waldeyer v. Wailuku Sugar Co. et al. Libel. December 21, 1908.

PROBATE—

Est. P. Joaquin—A. N. Hayselden, Adm. Will. January 25, 1905, in place of Ioane Kaaihue and Father Andrews, Executors.
 Est. Hana Kapakahi—J. A. Magoon, Adm. March 29, 1905.
 Est. Isaac Robinson—Elizabeth H. Travis, Admx. May 10, 1905.
 Est. Manoel P. Pico—Joana P. Pico, Executrix. July 24, 1905.
 Est. J. L. Kapakahi—J. W. Kalua, Adm. September 7, 1888.
 Upon motion of J. A. Magoon, accounts were filed August 8, 1905. Pending.
 Est. Kaniuhale—Kamila Kaniuhale, Admx. August 9, 1904.
 Est. H. K. K. Nua—John Nua, Executrix. December 30, 1904.
 Est. J. Kamakele—J. L. Coke, Adm. July 24, 1905, in place of Kaaihala Kamakele, Admx.
 Est. Ester Hale—E. H. Hart, Adm. November 27, 1905.
 Est. W. P. L. Bett—Jessie B. Bett, Adm. January 8, 1906.
 Est. A. P. C. B. Spinola—J. P. Dias, Adm. February 20, 1906.
 Est. Fred. C. Baldwin—H. P. Baldwin, Adm. January 29, 1906.
 Est. Z. S. K. Paaluhi—T. T. Meyer, Adm. February 7, 1906.
 Est. A. Kapepa—E. H. Hart, Adm. March 12, 1906.
 Est. K. Kuelekala—E. H. Hart, Adm. March 13, 1906.
 Est. A. Enos—A. Enos, J. V. Maciel, Exors. & T. B. Lyons, Adm. Will. August 20, 1906.
 Est. Jas. Alana—Rita Alana Keola, Admx. June 18, 1906.
 Est. Louis da Costa—Antone M. Cabrinha, Adm. February 16, 1907.
 Est. Hikaalani Noholoa—Enoch Johnson, Adm. Will, December 12, 1906.
 Est. Wm. Smith—December 17, 1906.
 Est. G. H. Kahananui—Pet. Appt. Adm., filed November 17, 1906.
 Est. D. Crowell—Clement Crowell, Adm. February 4, 1907.
 Est. H. Naki—Paia Naki, Adm. March 4, 1907.
 Est. Kekahuna—M. H. Reuter, Adm. April 8, 1907.
 Est. S. Hale—E. H. Hart, Adm. June 27, 1907.
 Est. Amibata—E. H. Hart, Adm. September 16, 1907.
 Est. P. Kealiipoina—J. F. Welch, Adm. Will, October 11, 1907.
 Est. B. K. Kaiwiae—N. Omsted, Adm. September 24, 1907.
 Est. E. C. Threfall—H. P. Baldwin, Adm. Will, April 7, 1908.
 Est. S. Keanu—M. Luteru, Executrix. October 2, 1908.
 Est. H. Yamano—Pet. Appt. Adm., filed February 26, 1908.

Est. A. K. Kiwaha—M. H. Reuter, Adm. April 10, 1908.

Est. S. K. Aluli—Noa W. Aluli, Adm. June 1, 1908.

Est. J. J. Hair—Carrie A. Hair, Executrix. July 29, 1908.

Est. W. S. Bartlett—J. D. McVeigh, Adm. October 19, 1908.

Est. Henry Maialoha—Alfred Maialoha, executor. December 7, 1908.

EQUITY—

Rosalie Lyons v. Est. A. Enos. Accounting. December 4, 1907.

Rosalie Ferreira v. Robinson, tr. Accounting. September 30, 1908.

DIVORCE—

John Kekahu v. L. Kekahu. Libel filed December 18, 1907.

Roman Pinheiro v. M. Pinheiro. Libel filed May 1, 1908.

Mary N. Kane v. N. Kane. Libel filed September 30, 1908.

K. Makalubi v. Kakaluhi. Libel filed October 8, 1908.

M. Uwekooiani v. G. K. Uwekoolani. Libel filed November 6, 1908.

Kekua Wanaoa v. S. W. Kahooohanohano. Libel filed December 2, 1908.

K. Keaweamahi v. Keaweamahi. Libel filed December 30, 1908.

CRIMINAL—

T. H. v. Ah Lum. Keeping Liquor for Sale. October 2, 1908.

Kailua, North Kona, Hawaii, Feb. 4, 1909.

Henry Smith, Esq.,
Clerk, Judiciary Department,
Honolulu.

Dear Sir:—Enclosed you will find the report which the Chief Justice has called for. I've got it at last, and hope it's all O. K.

The Auditor has cut my salary for the last month of January. He only allowed me 25 days. How is this? My appointment took effect from the first of that month, and I performed my duties since the first. Received my Commission on the seventh; because there was no blank. He is a wise haole. Therefore I ask you to watch out for me.

Yours respectively,

(Signed)

THOMAS AIU,
Clerk.

MATTERS PENDING IN THE CIRCUIT COURT OF THE
THIRD CIRCUIT, DECEMBER 31, 1908.

AT LAW.

“A” (Criminal)

1. Robbery, November 10, 1908, John Kauai. indictment on secret file.

“B” (Civil)

1. Assumpsit, August 1, 1902, L. M. Whitehouse v. Kona Sugar Co., Ltd., et al. Nothing appears after being stricken from calendar.
2. Ejectment, April 30, 1903, Poopuu v. Clark. No record except cost docket.
3. Action to Quiet Title, March 3, 1905, T. R. Mossmann v. Kailua Coffee Co. Nothing appears after being stricken from calendar.
4. Action to Quiet Title, March 3, 1905, T. R. Mossman v. Samuel Parker et al. Nothing appears after being stricken from calendar.
5. Assumpsit, September 29, 1904, M. F. Scott v. Joe Maria Pedro. Motions to vacate judgment, etc., filed, but not presented.
6. Ejectment, April 11, 1906, L. W. Mailolo v. Hawaiian Agricultural Co. Nothing appears after being stricken from calendar.
7. Assumpsit, April 11, 1906, L. W. Mailolo v. Hawaiian Agricultural Co. Nothing appears after being stricken from calendar.
8. Trespass, March 27, 1907, Tokanaka v. Paauhau. Nothing on case, appears after continuance of hearing.
9. Trespass, March 12, 1908, J. F. Pimento v. M. Sebastin. Nothing appears after stipulation to try jury waived in vacation as of term.
10. Replevin, December 1, 1908, Nettie L. Scott v. Kona Development Co., Ltd. Nothing appears after appeal jury waived.

IN EQUITY.

1. Bill for Appointment of Receiver, etc., March 27, 1902, M. W. McChesney et al v. Kona Sugar Co., Ltd. Records in Supreme Court, but an apparent balance of \$608.61 belonging to creditors.

2. Bill for Partition, etc., June 4, 1904, A. W. Carter, Guardian of Annie T. K. Parker, v. Samuel Parker et al. Semi-annual installments payable by petitioner through clerk of court.
3. Bill for Partition, etc., July 29, 1908, A. W. Carter, Guardian of Annie T. K. Parker, v. John Hind. Nothing appears after filing of answer.

IN PROBATE.

1. Petition for Probate of Will, February 28, 1901, Est. Maria A. de Gouveia. Nothing appears after appointment of executor without bond.
2. Petition for Probate of Will, March 2, 1901, Est. Kuahiwinui. Nothing remitted from Supreme Court.
3. Petition for Probate of Will, April 15, 1901, Est. Tandy Allen. Nothing appears after order of notice of hearing.
4. Petition for Probate of Will, December 16, 1903, Est. Ng Sun Akana. Nothing appears after filing of inventory.
5. Petition for Probate of Will, December 10, 1904, Est. M. L. Gordon. Awaiting favorable realization upon personal property.
6. Petition for Probate of Will, July 2, 1906, Est. Wm. O. Taylor. Final accounts of temporary administratrix not approved.
7. Petition for Probate of Will, July 18, 1906, Est. Wm. W. Campbell. Nothing appears after appointment of administrator c. t. a.
8. Petition for Probate of Will, September 8, 1906, Est. C. Ako. Nothing appears after leave granted to sell real estate.
9. Petition for Probate of Will, May 30, 1907, Est. T. K. Amalu. Nothing appears after filing of inventory.
10. Petition for Probate of Will, September 30, 1908, Est. Mariano de Mello. Nothing appears after appointment of executor.
11. Petition for Probate of Will, October 23, 1908, Est. George Clark. Nothing appears after appointment of executor.
12. Petition for Probate of Will, October 28, 1908, Est. Nancy K. Eldridge. Order of notice of hearing set for February 6, 1909.
13. Petition for Letters of Administration, April 26, 1901, Est. Daniel Kahao. Nothing appears after order of notice of hearing.
14. Petition for Letters of Administration, April 3, 1902, Est. S. H. Mahuka. Nothing appears after several continuances of hearing on petition.

15. Petition for Letters of Administration, April 12, 1902, Est. K. M. Moses Hu. Nothing appears after filing of inventory.
16. Petition for Letters of Administration, February 16, 1903, Est. Aseu. Nothing appears after continuances of hearing on final accounts, due to death of administrator.
17. Petition for Letters of Administration, June 3, 1903, Est. Ekekela Malani. Nothing appears after appointment of administrator.
18. Petition for Letters of Administration, March 5, 1904, Est. P. J. Mioi. Nothing appears after filing of inventory.
19. Petition for Letters of Administration, June 9, 1904, Est. Charles Allen. Nothing appears after appointment of administratrix.
20. Petition for Letters of Administration, July 30, 1904, Est. Rev. S. C. Luhiau. Nothing appears after appointment of administratrix.
21. Petition for Letters of Administration, August 31, 1904, Est. David Hukai Kahoiwai. Hearing of final accounts: continued for inability to prove notice to creditors and other allegations.
22. Petition for Letters of Administration, March 13, 1905, Est. Solomon A. Kuaimoku. Nothing appears after filing of final accounts.
23. Petition for Letters of Administration, August 31, 1905, Est. Emma D. Yates. Nothing appears after filing of inventory.
24. Petition for Letters of Administration, June 16, 1906, Est. Manuel Quintal. Nothing appears after filing of inventory.
25. Petition for Letters of Administration, July 3, 1906, Est. Clement Gomez. Hearing of petition for allowance of final accounts, etc., set for February 6, 1909.
26. Petition for Letters of Administration, November 24, 1906, Est. James H. Waipuilani. Nothing appears after filing of inventory.
27. Petition for Letters of Administration, January 17, 1907, Est. Frank Johnson. Letters of administration not issued for failure to file approved bond.
28. Petition for Letters of Administration, July 10, 1907, Est. James Bright. Letters of administration not issued for failure to file approved bond.
29. Petition for Letters of Administration, September 5, 1907, Est. E. A. Ryan. Nothing appears after filing of inventory.

30. Petition for Letters of Administration, December 5, 1907, Est. James Kaubane. Nothing appears after appointment of administrator.
31. Petition for Letters of Administration, January 4, 1908, Est. D. W. Pue Nahea. Nothing appears after filing of inventory.
32. Petition for Letters of Administration, January 17, 1908, Est. Ikaaka J. Ahu. Nothing appears after report of August 15, 1908.
33. Petition for Letters of Administration, September 24, 1908, Est. Hashimoto. Nothing appears after appointment of administrator.
34. Petition for Letters of Administration, November 4, 1908, Est. L. W. Mailolo. Hearing of petition for administration set continued for February 6, 1909.
35. Petition for Letters of Guardianship, June 18, 1901, Est. Hattie Higgins et al. Nothing appears after appointment of guardian **without bond**.
36. Petition for Letters of Guardianship, December 30, 1901, Est. John D. Cockburn et al. No files on records except accounts of May 1, 1901, and May 1, 1903.
37. Petition for Letters of Guardianship, April 30, 1907, Est. Kamealoha Kainulama. Nothing appears after appointment of new guardian.
38. Petition for Letters of Guardianship, July 10, 1907, Est. Mary Gomez. Nothing appears after first annual report of guardian.
39. Petition for Letters of Guardianship, December 9, 1907, Est. Pika Kuaimoku et al. Nothing appears after appointment of guardian.
40. Petition for Letters of Guardianship, January 31, 1908, Est. John Isaac Ahu. Nothing appears after report of August 15, 1908.

DIVORCE.

1. Divorce, February 16, 1906, Alui v. Ane. Nothing appears after service.
2. Divorce, April 29, 1908, Chito Kawakami v. Kugi Kawakami. Nothing appears after service.
3. Divorce, October 8, 1908, Keawe v. Awaa. Nothing appears after continuance of hearing.
4. Divorce, November 18, 1908, Kama Leleiwi v. Maria Leleiwi. Nothing appears after service.

Honolulu, January 8, 1909.

To the Honorable,
The Chief Justice of the Supreme Court
of the Territory of Hawaii.

Sir:—In compliance with your letter, dated October 29, 1908, calling attention to reports of Circuit Courts to be made to the Chief Justice, and directing the Clerks of the various Circuit Courts to report to you cases pending and undisposed of, and the reasons therefor, I herewith submit the following:

For and during the year 1908, the Honorable W. J. Robinson, Third Judge, was presiding judge at criminal cases, and the following were pending and undisposed of on the 31st day of December, A. D. 1908, and same appear on the calendar of the Circuit Court of the First Judicial Circuit, Territory of Hawaii, for the year 1909:

- C. 4349.—Terr. v. Jacob Rosenberg.
Receiving stolen goods.
(Indictment.)
- C. 4406.—Terr. v. Wong Chan et al.
Assault and battery with weapon, etc.
(Indictment.)
- C. 4421.—Terr. v. Kamiki Kakalia.
Embezzlement.
(Indictment.)
- C. 4444.—Terr. v. Ah Mun et al.
Assisting in maintaining a lottery.
(Appeal from District Court; jury waived.)
- C. 4447.—Terr. v. Morimatsu and Hatta.
Assisting in maintaining and conducting a lottery.
(Appeal from District Court; jury waived.)
- C. 4448.—Terr. v. Takatahara.
Selling intoxicating liquor without a license.
(Appeal from District Court; jury waived.)
- C. 4454.—Terr. v. T. Ueoka.
Unlawfully keeping for sale intoxicating liquor.
(Appeal from District Court of Ewa.)
- C. 4466.—Terr. v. Ah Wong et al.
Present at gambling game.
(Appeal from District Court; jury waived.)
- C. 4467.—Terr. v. Marguerita Nevens et al.
Maintaining house of prostitution.
(Appeal from District Court; jury waived.)
- C. 4473.—Terr. v. Ching Chow and seven others.
Present at gambling game.
(Appeal from District Court; jury waived.)

- C. 4475.—Terr. v. Kou Kin.
Frightening animals.
(Appeal from District Court; jury waived.)
- C. 4477.—Terr. v. Nim Yin.
Vagrancy.
(Appeal from District Court; jury waived.)
- C. 4481.—Terr. v. George Kaleikini.
Murder—first degree.
(Indictment.)
- C. 4482.—Terr. v. Yoshitaro Abe.
Forgery.
(Indictment.)
- C. 4486.—Terr. v. Wong Wing.
Keeping a disorderly house.
(Appeal from District Court.)
- C. 4487.—Terr. v. J. J. Combs.
Unlawfully keeping for sale intoxicating liquor.
(Appeal from District Court.)
- C. 4496.—Terr. v. Ah Loy.
Assault and battery with weapon, etc.
(Indictment.)
- C. 4498.—Terr. v. Morimatsu.
Assault and battery with weapon, etc.
(Indictment.)
- C. 4501.—Terr. v. Ahana et al.
Being present at gambling game.
(Appeal from District Court.)
- C. 4506.—Terr. v. Lau Chung et al.
Being present at gambling game.
(Appeal from District Court.)

The principal reason for those cases being on the calendar pending and undisposed of is that they were not reached in due course of business, and there is no case where the neglect to call the same up for trial is apparent. All felony cases appearing on the calendar were duly continued for the term at request and consent of counsel and order of the Court.

The only other matter before the said Third Judge undisposed of is "In the Matter of the Estate of Margaret V. Carter, deceased," being Probate No. 3585. In this matter, Jessie K. Kaae, Executrix and Administratrix pendente lite of said Estate, has been directed to file her final accounts, and a closing up of the Estate and final distribution will undoubtedly soon be made.

Respectfully submitted,
(Signed) M. T. SIMONTON,
Clerk to Third Judge.

CIRCUIT COURT OF THE FOURTH CIRCUIT,
TERRITORY OF HAWAII.

Hilo, January 22, 1909.

Henry Smith, Esquire,
Clerk Judiciary Department,
Honolulu, Oahu.

Dear Sir:—I beg to acknowledge your letter of January 18, and enclose list of probate matters in which administration has been granted, but the estates not yet closed.

I have not included in this list the matters of the year 1908, as the earliest of them have been closed. The 1908 probate cases remaining were filed in July, August and November; final accounts to be filed in the earlier ones this month. The cases actually pending, whether filed in 1908, or several years prior, are included in the first list sent.

The probate matter that you mentioned as being appealed to the Supreme Court, at about the time of the last legislature, could not have been from this circuit.

Should the Chief Justice require any further details in regard to the list sent, kindly let me know and I shall be glad to furnish the same. In the estate matters wherein the administrators have failed to file final or annual accounts, I do not know the cause of their failure to do so.

In making up the first report, I really intended to include everything wished, and regret that I did not do so.

Will you kindly have one of the large record books sent me?

Trusting that the enclosed list will not be too late, and thanking you in advance for the record book, I am,

Yours very truly,

(Signed)

A. S. LE BARON GURNEY,
Clerk, Fourth Circuit Court.

PROBATE.

In the matter of the Estate	}	Letters of Administration
of		
Pama Wahineaukai, deceased.		

Bond in the sum of One Thousand Five Hundred Dollars filed by Charles Williams, Administrator, on the 12th day of January, 1901. Inventory filed February 11, 1901; realty, \$1,000.00; personalty, \$1,046.00.

Appraiser appointed August 14, 1907; report filed August 29, 1907; realty, \$1,000.00; personal property, \$1,211.00.

Tax assessed in the sum of \$110.55, under the law in force at the time of the death of Pama Wahineaukai.

.....:

In the matter of the Estate	}	Probate of Will.
of		
Tomeyo Okamoto, deceased.		

Will admitted to probate November 22, 1905. Ini Okamoto, executrix; bond fixed in the sum of One Thousand Dollars. Executrix failed to qualify; has since died.

In the matter of the Estate	}	Petition for Final Discharge.
of		
Saichi Okimoto, deceased.		

Letters of administration issued to W. S. Kobayakawa, under bond in the sum of \$1,000.00, February 4, 1905. Inventory filed February 22, 1905; personal property, \$1,018.00. Final accounts filed March 20, 1906; receipts, \$1,018.00; disbursements, debts, etc., \$535.15; balance for distribution, \$482.85. Heir of deceased, Rikiichi Okimoto, living in Japan. Hearing upon the final accounts had April 24, 1906. Administrator to be discharged on filing receipt from above named heir. Receipt from heir, for \$482.85, not yet filed.

.....:

In the matter of the Estate	}	Final Accts. of Administrator.
of		
James Bush, deceased.		

Letters of Administration issued to Robert Fraser, under bond of \$450.00, July 16, 1906.

Inventory filed personal property, \$470.00. Final accounts filed December 28, 1906; receipts, \$476.70; disbursements, debts, etc., \$126.08; balance for distribution, \$350.61. Heir of deceased, Mrs. Jane B. Bush, Kirriemuir, Scotland. Administrator discharged upon filing receipt from her for \$350.61. Receipt not yet filed. Attorney trying to find administrator.

.....:

In the matter of the Estate }
 of } Letters of Administration.
 Jose Dias de Souza, deceased }

Alexandrina Jesus de Souza appointed administratrix, under bond of \$1,500.00, July 19, 1906; letters issued August 4, 1906; inventory filed August 11, 1906; realty, \$700.00; personalty, \$1,000.00. Neither annual or final accounts filed.

.....:

In the matter of the Estate }
 of } Letters of Administration.
 Kamakehai Kuli, deceased. }

Letters of Administration issued to Kawai (w), mother of deceased, under bond of \$1,000.00, December 1, 1906.

Inventory not yet filed; same was ordered filed within thirty days from the date of appointment. Attorney C. M. LeBlond has endeavored to communicate with the administratrix, who is a resident of Hamakua, but without success. Petition shows property to be of value of \$1,000.00, consisting of real estate.

.....:

In the matter of the Estate }
 of } Letters of Administration.
 Antonio Gomes Romao, }
 deceased. }

Letters of Administration issued to A. B. Lindsay, under bond of \$800.00, January 22, 1907. Inventory filed January 30, 1907; realty, \$800.00 personal property, \$300.00. Neither annual or final accounts filed.

.....:

In the matter of the Estate }
 of } Letters of Administration.
 Kafele Polapola, deceased. }

Letters of Administration issued to Noa W. Aluli, under bond of \$2,500.00, February 21, 1907. This matter was pending the disposition of the matter of the estate of Moke Polapola, deceased, which has been settled. Moke Polapola died first,

leaving his widow, Kahele Polapola, as his only heir; she died about one month later than Moke. Upon motion, an order fixing the value of the property descending to Kahele Polapola, from the estate of Moke Polapola, deceased, was signed and filed November 14, 1908, fixing the value of said property, for the purpose of paying the inheritance tax, in the sum of \$10,967.80. Final accounts in re estate of Kahele Polapola, deceased, not yet filed.

.....:

In the Matter of the Estate	}	Letters of Administration.
of		
Kaanaana Ewaliko, deceased		

Letters of Administration issued to Miss Emily K. Ewaliko, under bond of \$1,000.00, February 27, 1907. Inventory filed February 28, 1907; realty, \$1,400.00; personal property, \$850.00.

Report of appraiser filed March 22, 1907; realty, \$2,315.00; personal, \$1,050.00. Six heirs, each entitled to exemption of \$1,000.00; no inheritance tax. Accounts not filed.

.....:

In the Matter of the Estate	}	Letters of Administration.
of		
Paul John Kai Akina, deceased.		

Letters of Administration issued to Frank A. Medcalf, under bond of \$1,500.00, April 25, 1907. Inventory filed April 30, 1907; personal property, \$1,306.50.

Report of appraiser filed November 19, 1908. \$192.50, appraised value. Accounts not yet filed.

In the Matter of the Estate	}	Letters of Administration.
of		
Kekai Napunielua, deceased		

Letters of Administration issued to Keahialaka (w), under bond of \$500.00, May 20, 1907. Inventory filed May 20, 1907; realty, \$500.00. Accounts not yet filed.

.....:

In the Matter of the Estate }
 of } Letters of Administration.
 Moses Kapaakea Kinimaka, }
 deceased. }

Letters of Administration issued to M. S. Botelho, under bond of \$700.00, May 27, 1907. Inventory filed May 27, 1907; real estate, \$700.00. Accounts not yet filed.

.....:

In the Matter of the Estate }
 of } Letters of Administration.
 Mrs. Rebecca A. Lyman, }
 deceased. }

Letters of Administration issued to Rufus A. Lyman, under bond of \$2,000.00, August 7, 1907. Inventory filed August 21, 1907; personal property, \$275.00.

Appraisers report filed October 9, 1907; appraised value, \$247.50. Accounts not yet filed.

.....:

In the Matter of the Estate }
 of } Letters of Administration.
 Matsumoto Kiyotaro, deceased }

Letters of Administration issued to Matsumoto Yaki (w), under bond of \$350.00, August 29, 1907. Inventory filed August 29, 1907; personal property, \$347.02. Accounts not yet filed.

.....:

In the Matter of the Estate }
 of } Letters of Administration.
 Chiyoichi Funakochi, }
 deceased. }

Letters of Administration issued to Tokichi Fanakura, under bond of \$400.00, January 23, 1907. Inventory filed February 23, 1907; realty, \$350.00; personal property, \$11.50. Petition to sell real estate filed October 14, 1907; granted November 11, 1907. Sale confirmed January 7, 1908. Accounts not yet filed.

.....:

In the Matter of the Estate }
 of } Letters of Administration.
 Manuel V. de Freitas, deceased }

Letters of Administration issued to Balbina de Freitas, under bond of \$400.00, October 24, 1907. Inventory filed November 21, 1907; real estate, \$400.00. Petition to sell realty filed March 24, 1908; granted. Sale confirmed April 22, 1908. Accounts not yet filed.

.....:

In the Matter of the Estate }
 of } Probate Will.
 Andrew Long, deceased. }

Letters of Testamentary issued to Alexander Lindsay, Jr., under bond of \$2,200.00, September 27, 1904. Executor is named as testamentary guardian of the minor children of deceased, in the will. Inventory filed October 19, 1904; personal property, \$2,477.75. First annual account filed November 8, 1905. Second annual account filed January 14, 1907.

.....:

In the Matter of the Estate }
 of } Letters of Administration.
 Mary Lujan, deceased. }

Letters of Administration issued to Lucas Lujan, under bond of \$300.00, May 31, 1907. Inventory filed June 17, 1907; real estate, \$320.00; personal property, \$190.68. Accounts not yet filed.

.....:

CIRCUIT COURT FOURTH CIRCUIT, TERRITORY OF HAWAII.

Actions at Law.

Assumpsit—

Original, jury	1
Original, jury waived	7
Appealed, jury.	4

Appealed, jury waived	5
Original, discontinued.	5
New trial.	1
Total.	—23
Pending.	13
Change of venue	1
Ejectment—	
Jury trial.	1
Discontinued.	1
Total.	— 2
Pending.	4
Quieting Title—	
Pending.	1
Trespass—	
Original, jury waived	2
Total.	— 2
Pending.	1
Action to Enforced Material Man's Lien—	
Original, discontinued.	1
Total.	— 1
Action for Damages—	
Appealed, jury waived	1
Total.	— 1
Pending.	2
Trespass for Mesne Profits—	
Pending.	1
Supplemental Proceedings After Judgment—	
Examination of judgment, debtor.....	3
Discontinued.	2
Total.	— 5
Writ of Possession—	
Issued.	1
Total.	— 1
Settled.	35
Pending.	23

Suits in Equity.

Partition—	
Trial.	1
Total.	— 1
Pending.	2

Specific Performances—

Trial.	1
Total.	— 1

Injunction—

Discontinued.	1
Total.	— 1

Settled.	3
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Pending.	2
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Mandamus—

Petitions granted.	1
Petitions denied.	2
Total.	— 3

In re Grand Jury, November Term, 1908.**Petition to Expunge—**

Granted.	1
Total.	— 1

Settled.	4
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Contempt of Court—

Fined.	2
Total.	— 2

Divorces and Separations.**Divorce—**

Granted.	26
Refused.	5
Discontinued.	2
Total.	— 33
Pending.	5

Total settled.	33—
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Total pending.	5
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License to Practise Law in District Courts of the Territory.

Original.	1
Renewals.	5
Total.	— 6

Writs of Execution—

Issued.	9
Total.	— 9

Writs of Attachment—

Issued.	4
Total.	— 4

Probate.**Probate of Will—**

Granted.	3
Denied.	2
Total.	— 5

Pending—

Petition for ancillary probate.	1
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Appointments of Administrators—

Petitions granted.	10
Petitions denied	1
Petitions discontinued.	1
Revocation of letters	3
Total.	— 15
Petitions for letters, pending.	2
Petitions for revocation, pending.	1

Appointments of Guardians—

Petitions granted.	3
Petitions denied.	1
Total.	— 4
Pending.	3

Sales of Real Estate—

Granted.	1
Confirmed.	2
Denied.	2
Total.	— 5

Final Accounts of Executors—

Allowed.	5
Total.	— 5
Pending.	2

Annual Accounts of Executors—

Allowed.	2
Total.	— 2

Final Accounts of Administrators—

Allowed.	5
Total.	— 5
Pending.	5

Final Accounts of Guardians—

Allowed.	4
Disallowed.	1
Total.	— 5

Annual Accounts of Guardians—

Allowed.	2
Total.	— 2
Annual accounts filed, hearing deferred.	5

Adoptions—	
Granted.	2
Refused.	1
Total.	— 3
—	
Total settled.	52—
Total pending.	19

SUMMARY.

New trial.	1
Change of venue	1

CAUSES PENDING.

Assumpsit.	13
Ejectment.	4
Quiet title.	1
Trespass.	1
Action for damages	2
Trespass for mesne profits.	1
Partition.	2
Divorce.	5
Ancillary probate of will.	1
Letters of administration	2
Petition to revoke letters of administration.	1
Appointment of guardian	3
Final accounts of executors.	2
Final accounts of administrators.	5
Annual accounts of guardians, hearing deferred.	5
—	
	48
Assumpsit suit, change of venue.	1
—	
	49

CAUSES DISCONTINUED.

Assumpsit.	5
Ejectment.	1
Action to enforce material man's lien.	1
Supplemental proceedings after judgment.	2
Injunction.	1
Divorce.	2
Appointment of administrator	1
—	
Total.	13
Number of papers filed during the year 1908.	1,031

CASES PENDING, DATE OF ENTRY, ETC.

Assumpsit—

- No. 1.—R. T. Guard v. Wm. Reinhardt. Record on appeal from District Court, South Hilo, filed November 6, 1907. Stipulation filed July 28, 1908, that decision in case of R. T. Guard v. David Reinhardt, now on change of venue to First Circuit Court, shall apply to this.
- No. 2.—William Hay v. Hilo Sugar Co. Filed November 19, 1907. Hearing April 22, 1908; briefs to be submitted. Plaintiff's brief filed June 2nd, 1908.
- No. 3.—A. M. Cabrinha et al v. Antone Oliveira et al. Record on appeal from South Hilo, filed June 30, 1908. Plea in bar filed August 5, 1908; answer, filed same date. Continued by consent from June term to August term and then to November term, 1908. At November term, to and including December 11, the date of the expiration of Judge Parson's commission, only criminal cases taken up.
- No. 4.—Lau Kan Sum v. Lau Kan Chew et al. Filed October 15, 1908. Pending for same reason given in No. 3.
- No. 5.—Sobe Fujiyama v. Saisuke Sasai et al. Filed October 26, 1908. Pending for same reason given in No. 3.
- No. 6.—Chin Moon v. Chan For You et al. Record on appeal from South Hilo, filed November 10, 1908. Pending for same reason given in No. 3.
- No. 7.—Carl S. Smith v. John W. Cathcart. Filed November 19, 1908. Pending for same reason given in No. 3.
- No. 8.—Cabrinha & Co. v. Luiz Ramao et al. Record on appeal from South Hilo, filed November 24, 1908. Pending for same reason given in No. 3.
- No. 9.—S. W. A. Kaleihoā v. K. A. Kuakea et al. Record on appeal from South Hilo, filed December 2, 1908. Pending for same reason given in No. 3.
- No. 10.—Hawaii Herald Pub. Co. v. R. A. Lyman, Prop. Mana Stables. Record on appeal from South Hilo, filed December 15, 1908. Pending for the reason that Judge Parsons' commission expired December 11, 1908.
- No. 11.—Henry Hayes, M.D., v. Frank Dias et al. Record on appeal from South Hilo, filed December 17, 1908. Pending for same reason given in No. 10.
- No. 12.—A. A. Hapai v. B. Moanaliha. Record on appeal from South Hilo, filed December 17, 1908. Pending for same reason given in No. 10.

- No. 13.—The First Bank of Hilo, Ltd., v. F. E. Haley et al.
Filed December 22, 1908. Not at issue.

Ejectment—

- No. 1.—John D. Spreckels et al v. John T. Baker. Filed November 29, 1902. This case from the time it was at issue at the January term 1903, has been continued from term to term to the November term, 1908; at last named term it has been continued to the February term, 1909. The cause hinges upon a similar one which has been in the Supreme Court of the United States.
- No. 2.—Eben P. Low v. Thomas W. Lindsay. Filed January 3, 1906. This cause has been continued, by consent of the parties, from term to term, to the November term, 1908; at said term, to and including December 11, 1908, only criminal matters taken up.
- No. 3.—T. K. Lalakea v. Mary Fuhr. Filed August 17, 1908. At issue at November term, 1908. Pending for same reason given in No. 10, *assumpsit*.
- No. 4.—Ah Ping v. Chong Hung et al. Filed August 26, 1908. Pending for same reason given in No. 10, *assumpsit*.

Quieting Title—

- No. 1.—T. R. Mossman v. Samuel Parker. Filed October 12, 1899. Excepting that the matter was continued from the July term, 1900, to the next term, the record is silent in regard to the same.

Trespass—

- No. 1.—Maikai v. R. A. Lucas. Filed November 9, 1908. Pending for same reason given in No. 10, *assumpsit*.

Damages—

- No. 1.—Kumazo Matsumaru v. The County of Hawaii. Filed March 14, 1906. Cause has been on exceptions and reserved question to the Supreme Court; is now at issue and pending for the same reason given in No. 10, *assumpsit*.
- No. 2.—R. A. Lucas v. Maikai. Filed August 6, 1908. Pending for same reason given in No. 10, *assumpsit*.

Trespass for Mesne Profits—

- No. 1.—Charles A. Brown v. J. D. Spreckels et al. Filed March 21, 1906. Continued from term to term until June term, 1908, when at August session of said term, parties filed stipulation that case be dropped from calendar until moved on.

Equity—Partition:

- No. 1.—*Jose de Gouvea v. Maria Pinha*. Filed February 24, 1903. Answer filed April 18, 1903. Principals are not known; Homer L. Ross, of counsel for plaintiff, is no longer a resident of the Territory; W. S. Wise, senior partner of counsel, has endeavored to find parties, but without success. Ridgway and Ridgway, counsel for defendant, are no longer residents of the Territory.
- No. 2.—*E. W. Barnard v. Manuel Branco*. Filed October 23, 1905. November 24, 1908, defendant's exceptions to report of commissioner were overruled. The matter now stands upon the hearing of supplemental bill of complaint. Pending for same reason given in No. 10 *assumpsit*.

Divorce—

- No. 1.—*Ella Willcock v. John Willcock*. Filed September 2, 1905. Service not had.
- No. 2.—*Masa Nozaki v. Liichi Nozaki*. Filed October 2, 1905. Service not had.
- No. 3.—*Fukutaro v. Fumi Uyeda*. Filed November 23, 1908. Pending for the same reason given in No. 10, *assumpsit*.
- No. 4.—*Kaimi Iokia Kalaualii v. Kainoa Kaehi Kalaualii*. Filed November 27, 1908. Pending for same reason given in No. 10, *assumpsit*.
- No. 5.—*Waahia Kealoha Kauanoano v. Kealoha Kauanoano*. Filed December 7, 1908. Pending for same reason given in No. 10, *assumpsit*.

Probate—

- No. 1.—Petition for Ancillary Probate of will. In re Estate of John Mann, deceased. Petition filed November 27, 1908. Pending for same reason given in No. 10, *assumpsit*.

Petition for Letters of Administration—

- No. 1.—In re Estate of Kamaki Waiwaiole, deceased. Petition filed November 28, 1908. Pending for same reason given in No. 10, *assumpsit*.
- No. 2.—In re Estate of Fred Roback, deceased. Petition filed December 10, 1908. For hearing January 5, 1909.
- No. 3.—Petition to Revoke Letters. In re Estate of Joseph Maikaloa Kauhi, deceased. Filed June 22, 1908. Administratrix insane; continued by consent of petitioner and heirs.

Appointment of Guardian—

- No. 1.—In re Mildred M. Kempster et al. Petition filed December 14, 1905. Parties have never appeared in court.
- No. 2.—In re Hana Wailani et al. Petition filed December 5, 1908. Only criminal matters taken up to and including December 11, 1908.
- No. 3.—In re Willie Roback et al. Filed December 10, 1908. Pending hearing in re Est. Fred Roback, deceased.

Final Accounts of Executors—

- No. 1.—In re Estate of Charles Notley, deceased. Petition filed December 1, 1904. Matter now is, or recently has been, in Supreme Court of the United States.
- No. 2.—In re Estate of Ekekela K. Kaawa, deceased. Petition filed December 29, 1904. Hearing had February 9, 1905. Brief to be filed by counsel as to matter of construction of will. It is understood that parties have made amicable settlement.

Final Accounts of Administrators—

- No. 1.—In re Estate of Keamo, deceased. Petition filed November 30, 1906. Order of Notice of Hearing filed January 12, 1908. Judge Parsons disqualified.
- No. 2.—In re Estate of Luiz Figueredo, deceased. Petition filed April 25, 1908. Judge Parsons disqualified.
- No. 3.—In re Estate of Albert K. Nawahi, deceased. Hearing February 5, 1908; supplemental accounts to be filed. Decree revoking letters to J. Castle Ridgway, who is absent from the Territory, signed and filed May 26, 1908. Administrator de bonis non appointed.
- No. 4.—In re Estate of K. Nakano, deceased. Petition filed December 23, 1908.
- No. 5.—In re Estate of Joseph Maikalou Kauhi, deceased. Petition filed October 26, 1908. Continued by agreement.

Annual Accounts of Guardians—

- No. 1) These are five different accounts which are filed annually, and upon which the hearings have been deferred to suit the convenience of the different guardians, some of whom are non-residents of this fourth circuit.
- Total number of causes pending, all classes, 48.

1907-1908.

APPEAL, EXCEPTIONS AND RESERVED QUESTION TO
SUPREME COURT.

In the Matter of the Estate of David Kamaipili, deceased.	}	Petition for Confirmation of Sale of Real Estate.
---	---	--

Decree denying petition for confirmation signed May 8, 1908.
Decree appealed from affirmed by Supreme Court, date of Oc-
tober 10, 1908, pursuant to the opinion filed by said Court, date
of July 23, 1908.

.....:

G. W. A. Hapai	}	Mandamus.
vs.		
James W. Pratt,		
Commissioner of the Public Lands of the Territory of Hawaii.		

Decree for petitioner signed February 20, 1908. Decree ap-
pealed from affirmed by Supreme Court, date of April 20, 1908,
pursuant to opinion filed by said Court, date of April 6, 1908.

Territory of Hawaii	}	Practising Medicine Without a License.
vs.		
Antone Lucas		

Defendant convicted of violating Section 1068, R. L. Excep-
tions to Supreme Court, as to the right of a deputy county attor-
ney, to appear for the Territory in a criminal case. Exceptions
overruled by Supreme Court, date of August 8, 1908, pursuant to
the opinion of said Court, filed July 17, 1908.

.....:

Emelia Vieira Oliveira	}	Bill to Declare Trust.
vs.		
Maria Vieira Silva et al.		

Decree ordering accounting signed August 6, 1907. (Plaintiff
entitled to relief prayed for.) Defendant's notice of appeal to
Supreme Court, filed August 9, 1907; record sent September 5,
1907. Plaintiff's motion to dismiss appeal granted October 3,
1907, as per opinion of the Supreme Court filed September 18,
1907.

Final decree in favor of the plaintiff signed October 19, 1907. Defendant's notice of appeal to the Supreme Court, filed October 21st, 1907; record sent November 4, 1907. Decree appealed from affirmed by Supreme Court, date of February 25, 1908, as per opinion of said Court filed February 10, 1908.

.....:

Kumazo Matsumura	}	Action for Damages.
vs.		
The County of Hawaii.		

Order sustaining defendant's demurrer signed and filed July 17, 1907. Judgment signed July 23, 1907. Plaintiff's exceptions to the Supreme Court sustained, date of May 4, 1908, pursuant to opinion of said Court filed April 28, 1908. Reserved question certified to Supreme Court August 28, 1908. Reserved question answered in the affirmative.

.....:

Thos. W. Lindsay	}	Specific Performance and Injunction.
vs.		
John Schlieff et al.		

Decree for defendants signed April 4, 1907. Decree appealed from affirmed by Supreme Court, with the modification that the dismissal shall be without prejudice to the plaintiff's right to bring an action at law for breach of contract. Dated June 14, 1907. Modified decree signed June 17, 1907.

Honolulu, January 16, 1909.

Honorable A. S. Hartwell,
Chief Justice of the Supreme Court,
Territory of Hawaii.

Sir:—Following is a memorandum of probate matters pending in the Circuit Court of the First Judicial Circuit, Territory of Hawaii, and remaining undisposed of, instituted and commenced before the Honorable W. J. Robinson, Third Judge of said Court from the 17th day of February, A. D. 1902, the date on which he took office as such Third Judge, up to and including the 31st day of December, A. D. 1908:

- P. 3553.—Estate Timothy B. Murray, deceased.
Charles F. Murray, Administrator.
Appointed April 18, 1902.
Inventory filed April 30, 1902.
Value of Estate, as shown by petition, \$2,500.00.
No proceedings had or taken since filing of inventory.
Peterson & Matthewman, represented petitioner.
- P. 3521.—Estate George S. Houghtailing, deceased..
B. W. Houghtailing, Administrator.
Appointed July 9, 1902.
Inventory and appraisement filed August 9, 1902.
Value of Estate, as shown by petition, \$7,000.00.
No proceedings had or taken since filing of inventory
and appraisement.
P. J. Farley & E. S. Gill represented petitioner.
- P. 3520.—Estate Maraea Kopena, deceased.
Maria Kekua, Executrix.
Appointed July 14, 1902.
Inventory filed August 13, 1902; no appraisement.
Value of Estate, as shown by petition, \$5,250.00.
Order made on February 20, 1903, authorizing purchase
of mortgage by Executrix, with personal funds, she
to preserve all receipts, etc., and report to the Court
all matters and things in connection with the Estate.
No report or accounts filed, and Estate is still pending.
D. H. Case represented petitioner.
- P. 3532.—Estate J. K. Kaunamano, deceased.
J. Lightfoot, Administrator.
First Account of Administrator filed October 31, 1904.
Value of Estate, as shown by petition, \$8,150.00.
Estate not yet closed.
Magoon, Peters & Lightfoot, for petitioner.
- P. 3545.—Estate John S. Smithies.
Geo. E. Smithies, Administrator.
Appointed September 15, 1902.
Inventory filed October 28, 1902.
Appraisers were appointed by the Court, but no ap-
praisement appears of record.
Value of Estate, as shown by petition, \$1,200.00.
- P. 3445.—Guardianship Papaenaena and Kamaka, minors.
Pilillaan, Guardian.
Third Annual Account filed October 31, 1904.
Value of Estate, \$200.00.
No account filed since Third Annual.

- P. 3624.—Estate John Leal, deceased.
Emelia Leal, widow, Administratrix.
Appointed August 24, 1903.
Inventory filed September 3, 1903.
Value of Estate, as shown by petition, \$6,000.000.
No proceedings had or taken since filing of inventory.
- P. 3625.—Estate John Wela, deceased.
Kelihookano (w), Administratrix.
Appointed August 24, 1903.
Value of Estate, as shown by Petition, \$110.00.
Petitioner appeared in person.
No accounts or report since appointment..
- P. 3445.—Guardianship Pililaau and Papaenaena, minors.
Pililaau, father, Guardian.
Value of Estate, as per Petition, \$250.00.
No accounts filed since 1904.
- P. 3635.—Guardianship Liwai Kalaauala Halaulani et al., minors.
George Lucas Guardian of property.
Appointed August 24, 1903.
No inventory or accounts filed.
Inventory ordered filed within ten (10) days from date of appointment.
- P. 3431.—Guardianship Keala (w) and Kalu (k).
Mary K. Kahalepuna, Guardian.
Value of Estate, \$100.00.
No accounts filed since April 12, 1907.
- P. 3684.—Estate Poipe Kamuo (w), deceased.
C. F. Peterson, Administrator.
Appointed July 9, 1904.
Value of Estate, as per Petition, \$500.00.
Inventory ordered filed within thirty (30) days from date of appointment.
No inventory has been filed, and the records show no proceedings had or taken since date of appointment.
- P. 3731.—Estate Annette Wundenberg, deceased.
Anna Sophia Wright, Executrix.
Appointed December 15, 1904.
Value of Estate, as per petition filed, \$1,500.00.
Inventory was ordered filed within thirty (30) days from date of appointment, but I am unable to find any inventory on file or any record of any proceedings had or taken since date of appointment.
J. Alfred Magoon, Esq., appeared for petitioner.
- P. 3726.—Estate Kamukee (w), deceased.
Anthony Gilman, Executor.
Appointed March 20, 1905.

Inventory ordered filed within thirty (30) days from date of appointment.

No inventory is on file, and the records show nothing done by Executor since appointment.

P. 3739.—Estate Li Kee Yin (w), deceased.

Chin Jim En, Executor.

Appointer January 26, 1905.

Value of Estate, as shown by Petition filed, \$1,100.00.

Inventory ordered filed within thirty (30) days from date of appointment.

No inventory is on file, and, so far as the records show, the Executor has done nothing since his appointment.

P. 3743.—Estate Maleka Hakau Nahalau (w), deceased.

C. F. Peterson, Administrator.

Appointed February 14, 1905.

Value of real estate, as shown by petition, \$10,000.00: personal property, \$100.00.

Inventory was ordered filed within thirty (30) days from date of appointment, but the records fail to show any inventory on file or anything done by the Administrator in connection with the Estate.

P. 3788.—Estate Manokelii Kauhane, deceased.

S. F. Chillingworth, Administrator.

Appointed August 23, 1905.

Value of Estate, as per petition filed, \$3,516.00. (Property situate on Island of Maui.)

Inventory ordered filed within sixty (60) days from date of appointment.

No inventory on file, and Estate not yet closed.

P. 3737.—Guardianship Rego, minors.

J. J. Rodrigues, Guardian.

Appointed December 2, 1904.

Value of Estate, as per petition, \$1,300.00.

Inventory ordered filed within thirty (30) days from date of appointment.

No inventory or accounts filed so far as the records of this Court show.

P. 3797.—Estate Kiichiro Fukuroda, deceased.

M. Okura, Administrator.

Appointed September 13, 1905.

Value of Estate, as per Petition filed, \$8,100.00.

Inventory ordered filed within sixty (60) days from date of appointment.

No inventory on file, and records show no proceedings had or taken since date of appointment of Administrator.

R. W. Breckons, Esq., appeared for petitioner.

- P. 3798.—Estate Lahapa Halsey, deceased.
Baker Halsey, Administrator.
Appointed October 20, 1905.
Value of Estate, as per petition, \$1,000.00.
The records show no proceedings had or taken in this Estate since appointment of Administrator, although the Court ordered inventory filed within thirty (30) days.
C. F. Peterson appeared for petitioner.
- P. 3800.—Estate Kahoochanohano, deceased.
George M. Uaia, Administrator.
Appointed October 20, 1905.
Value of Estate, as shown by petition, \$650.00.
Inventory was ordered filed by Administrator within thirty (30) days from date of appointment, but there is no inventory on file in this Court, and the record shows nothing done by the Administrator since date of appointment.
C. F. Peterson, Esq., appeared for petitioner.
- P. 3810.—Estate Annie Beesing, deceased.
Lilia Souza, Executrix.
Appointed October 30, 1905.
Value of Estate, as per petition for Probate of Will, \$1,000.00.
Inventory filed January 3, 1907.
The record fails to show anything further done by the Executrix, and the Estate is not yet closed.
J. Alfred Magoon, Esq., appeared for petitioner.
- P. 3866.—Estate Ching Fong Wai, deceased.
Ching Ah Ling, Administrator.
Appointed May 21, 1906.
Value of Estate, \$587.00.
Inventory and appraisement was ordered filed within thirty days from date of appointment, but no inventory is on file in this Court, and the Estate has not been closed.
C. W. Ashford, Esq., appeared for petitioner.
- P. 3953.—Estate Leonce Lefavre, deceased.
Rose Neven, Executrix.
Appointed May 27, 1907.
Value of Estate, as per petition, \$325.00.
No inventory is on file in this Estate, and the records fail to show anything done by the Executrix.
S. F. Chillingworth, Esq., appeared for petitioner.

- P. 3956.—Estate Lau Lock, deceased.
Tan See (w), Administratrix.
Appointed June 24, 1907.
Value of Estate, \$1,000.00.
Inventory ordered filed within thirty (30) days, but none appears of record, and the Estate is still pending.
P. L. Weaver, Esq., appeared for petitioner.
- P. 3736.—Guardianship Dwight, minors.
Ellen Dwight, Guardian.
No accounts filed since July 1, 1907, when the Guardian filed her First Annual Account.
- P. 3948.—Estate Junius Kaae, deceased.
Jessie K. Kaae, Executrix.
Appointed June 17, 1907.
Value of Estate, as per petition, \$2,000.00, or thereabouts.
Inventory and appraisal ordered filed within thirty (30) days from date of appointment.
No inventory or appraisal on file.
C. W. Ashford represented petitioner.
Estate not yet closed.
There is a final receipt from Wm. Kaae, son of deceased, on file for \$10.00, devised to said Wm. Kaae by the Will of deceased.
- P. 3585.—Estate Margaret V. Carter, deceased.
Jessie K. Kaae, Executrix.
Appointed March 31, 1905.
On July 7, 1908, an order was made directing the Executrix and Administratrix pendente lite, Jessie K. Kaae, to file her final accounts within ten (10) days from that date, but no final accounts have been filed.
C. W. Ashford for petitioner.

Prior to January, 1908, each Circuit Judge of the First Circuit presided at chambers, and took up probate and other chambers' matters from one to three weeks, when all such matters, under rules of Court, were taken up and disposed of by the other Circuit Judges in rotation. Under the system then in vogue it was practically impossible for either of the Circuit Judges to know the exact status of every probate matter commenced before him; but under the present practice, where each Circuit Judge presides at chambers for one year, it will be an easy matter to keep in touch with each and every proceeding had and taken by Executors, Administrators and Guardians in the discharge of his or her trust. So far as the matters heretofore referred to as

remaining undisposed of are concerned, I am forced to the conclusion that negligence has been shown by the various Executors, Administrators and Guardians named.

In order to ascertain the exact number of probate matters remaining undisposed of, instituted and commenced before the said Third Judge, I examined the index to the Clerk's minutes since the date of the taking of office by said Third Judge up to and including December 31, 1908, and checked same carefully with the records on file in this Court.

Respectfully submitted,

M. T. SIMONTON,
Clerk to Third Judge.

CIRCUIT COURT, FIRST CIRCUIT,
TERRITORY OF HAWAII.

Honolulu, January 11, 1909.

To the Honorable,

The Chief Justice of the Supreme Court,
Territory of Hawaii.

Sir:—In compliance with your letter dated October 29, 1908, calling attention to reports of Circuit Courts to be made to the Chief Justice, and directing the clerks of the various circuit courts to report to you, cases pending and undisposed of, and the reasons therefor, I herewith submit the following:

For and during the year 1908, the Honorable J. T. De Bolt, First Judge was presiding judge at the trial of civil jury cases and the attached list of cases were pending and undisposed of on the 31st day of December, 1908, same appearing on the calendar of this court for the January term 1909.

The reasons for these cases remaining on the calendar and undisposed of is that they were not reached in due course of business except as to a few of said cases which were continued by order of court for good cause shown therefor and there is no apparent neglect on the part of any person why said cases or any of them have not been disposed of.

Respectfully,

(Signed) JOB BATCHELOR,
Clerk of Said Circuit Court and of First Judge.

L. 4411.—J. P. Mendonca v. George Markham.

Ejectment.

Holmes & Stanley for plaintiff.

C. C. Bitting for defendant.

- L. 5250.—The Good Hope Building Association v. F. J. Amweg
and Blanche E. Amweg.
Assumpsit.
Holmes & Stanley for plaintiff.
D. H. Case for defendants.
- L. 6252.—J. O. Carter et al., Trustee, v. Wm. R. Castle and
Tong Inn Co.
Ejectment.
Holmes & Stanley for plaintiff.
Castle & Withington for defendants.
- L. 5961.—Waimanalo Sugar Co. v. W. Kahlbaum.
Ejectment.
Holmes & Stanley for plaintiff.
Wm. T. Rawlins for defendant.
- L. 5924.—Hoffschlaeger Co., Ltd., v. Young Hop Chan, alias Young
Nap.
Assumpsit.
Holmes & Stanley & Thayer & Hemenway for plaintiff.
C. W. Ashford for defendant.
- L. 5135.—Sister Albertina, Trustee, v. Kaaiahua et al.
Ejectment.
Holmes & Stanley for plaintiff.
A. G. M. Robertson for defendants.
- L. 5494.—Ching Lum v. Ethel Kaikainahaole and Herman M.
Kaikainahaole.
Damages for breach of covenant.
Magoon & Lightfoot for plaintiff.
Ballou & Marx for defendants.
- L. 5272.—Victor Hoffman et al., v. J. H. Fisher.
Foreclosure of mechanic's lien.
J. W. Cathcart for plaintiffs.
Holmes & Stanley for defendant.
- L. 6264.—Rauer's Law and Collection Co. v. Marion M. Luning.
Assumpsit.
Thompson & Clemons for plaintiff.
.....for defendant.
- L. 6452.—W. R. Castle, Trustee, v. H. T. Marx and John Em-
meluth.
Assumpsit.
Castle & Withington for plaintiff.
Kinney, Marx, Prosser & Anderson for Emmeluth.
- L. 6454.—C. W. Booth v. Chas. S. Desky et al.
Assumpsit.
Magoon & Lightfoot for plaintiff.
W. S. Edings for defendants.

- L. 6457.—Henry Gumpfer v. F. B. Whitin.
Damages.
W. T. Rawlius and J. J. Dunne for plaintiff
C. F. Peterson for defendant.
- L. 6127.—Waialua Agricultural Co., Ltd., v. Oahu Railway &
Land Co., Ltd.
Assumpsit.
Castle & Withington for plaintiff
Kinney & Marx for defendant.
- L. 6511.—Sylvano Nobrega v. Ah Loy.
Arbitration.
Appeal from District Court of Honolulu.
.....for plaintiff-appellant.
E. M. Watson for defendant.
- L. 6520.—J. Alfred Magoon v. John Emmeluth.
Assumpsit.
Magoon & Lightfoot for plaintiff.
Kinney, Marx, Prosser & Anderson for defendant.
- L. 5268.—Solomon Kahahawai v. D. Kukea et al.
Ejectment.
Kinney, Marx, Prosser & Anderson for plaintiff.
C. W. Ashford for defendants.
- L. 6527.—W. W. Dimond & Co. v. McCandless Building Co.
Damages.
W. W. Thayer, Judd, Mott-Smith & Hemenway for
plaintiff-appellant.
Smith & Lewis for defendant.
- L. 6564.—Alice McChesney v. Honolulu Soap Works.
Assumpsit.
H. G. Middleditch for plaintiff.
Thompson & Clemons for defendant.
- L. 6557.—W. C. Peacock v. A. W. T. Bottomley et al.
Damages.
C. W. Ashford and R. W. Breckons for plaintiff.
Holmes & Stanley for defendant.
- L. 6565.—E. Campell v. Hackfeld & Co.
Trespass on the case.
Magoon & Lightfoot for plaintiff.
H. E. Cooper for defendant.
(Pending on demurrer.)
- L. 6566.—A. S. Cleghorn v. J. Gaspar.
Assumpsit.
A. G. M. Robertson for plaintiff.
Castle & Withington for defendant.

- L. 6577.—Honolulu Soap Works v. J. M. McChesney.
Assumpsit.
Thompson & Clemons for plaintiff.
J. W. Cathcart for defendant.
- L. 6166.—F. M. Hatch v. S. Norris.
Assumpsit.
Kinney & Marx for plaintiff.
A. S. Humphreys for defendant.
- L. 6608.—J. S. Lelerberber v. W. R. Chilton, et al.
Assumpsit.
Thompson & Clemons for plaintiff.
Kinney & Marx for defendants.
- L. 6633.—The Dowsett Co., Ltd., v. Keliikipi (k) et al.
Ejectment.
Kinney & Marx for plaintiff.
W. C. Achi for defendant.
- L. 6634.—Keawepala v. Nettie L. Scott.
Assumpsit.
Transferred from Third Circuit.
G. D. Gear for plaintiff.
J. W. Cathcart for defendant.
- L. 6635.—Esther W. Pilipo et al., v. Nettie L. Scott.
Assumpsit.
Geo. D. Gear for plaintiff.
J. W. Cathcart for defendant.
- L. 6664.—W. W. Bruner v. C. Brewer & Co.
Assumpsit.
Castle & Withington for plaintiff.
Kinney & Marx for defendant.
- L. 6741.—A. S. Humphreys, Trustees, etc., v. Jesse Makainai and
Goo Wan Hoy, Garnishee.
Assumpsit.
J. Lightfoot for plaintiff.
C. W. Ashford for defendant.
- L. 6668.—F. B. McStocker v. Bishop Trust Co., Administrator.
Assumpsit.
A. G. M. Robertson for plaintiff.
Holmes & Stanley and C. H. Olson for defendant.
- L. 6669.—Ethel Barr v. Honolulu R. T. & Land Co.
Damages.
Thompson & Clemons for plaintiff.
Castle & Withington for defendant.
- L. 6678.—H. T. Mills v. J. S. Walker et al.
Assumpsit.
A. S. Humphreys for plaintiff.
Thompson & Clemons for defendant.

- L. 6687.—Liliuokalani v. Heleluhe (w) et al.
Ejectment.
Kinney, Marx, Prosser & Anderson for plaintiff.
A. G. M. Robertson, Castle & Withington and E. C. Peters for defendants.
- L. 6694.—Chang Chung Shee v. S. Kauai.
Damages.
Appeal from District Court of Honolulu.
C. W. Ashford for plaintiff-appellant.
W. A. Greenwell for defendant.
- L. 6697.—Nishi Oka v. H. R. T. & L. Co.
Damages.
Magoon & Lightfoot for plaintiff.
Castle & Withington and J. W. Cathcart for defendant.
- L. 6698.—Yoshimoto v. H. R. T. & L. Co.
Damages.
Magoon & Lightfoot for plaintiff.
Castle & Withington and J. W. Cathcart for defendant.
- L. 6742.—Lum Tuck v. L. Ah Leong.
Trespass on the case.
J. Lightfoot for plaintiff.
A. S. Humphreys for defendant.
- L. 6723.—L. L. McCandless v. T. F. Lansing.
Ejectment.
A. G. M. Robertson for plaintiff.
Castle & Withington for defendant.
- L. 6746.—F. M. Brooks v. L. R. Wilfey et al.
Trespass on the case.
E. A. C. Long for plaintiff.
A. G. M. Robertson for defendants.
- L. 6749.—Bishop Trust Co., Ltd., v. F. B. McStocker.
Assumpsit.
Holmes & Stanley and C. H. Olson for plaintiff.
A. G. M. Robertson for defendant.
- L. 6754.—Margaret Cullen v. Mrs. K. Killiona.
Assumpsit.
Appeal from District Court of Honolulu.
C. W. Ashford for plaintiff.
A. S. Humphreys for defendant.
- L. 6757.—James Ontai v. L. Ahuna et al.
Assumpsit.
J. Alfred Magoon for plaintiff.
Holmes & Stanley and C. H. Olson for defendants.
- L. 6759.—Jim Ah Hoy v. J. H. Raymond.
Damages.
Cathcart & Milverton for plaintiff.
A. G. M. Robertson for defendant.

- L. 6760.—Cecil Brown v. Chas. Gay, defendant; Henry Waterhouse Trust Co., Ltd., Garnishee.
Assumpsit.
Thompson & Clemons for plaintiff.
Henry E. Cooper for defendant.
Castle & Withington for garnishee.
- L. 6766.—John F. Colburn v. D. R. Peterson.
Assumpsit.
C. W. Ashford for plaintiff.
C. F. Peterson for defendant.
(Pending on demurrer.)
- L. 6675.—A. H. Afong v. Julia H. Afong.
Assumpsit.
W. W. Thayer and R. W. Breckons for plaintiff.
Holmes & Stanley and C. H. Olson for defendant.
(Pending on demurrer.)
- L. 6777.—Frederick Waldvogel v. C. Q. Yee Hop et al.
Assumpsit.
Holmes & Stanley for plaintiff.
E. M. Watson for defendant.
- L. 6782.—McBryde Sugar Co. v. Koloa Sugar Co., Hans Isenberg and L. Weinzheimer.
Costs.
Kinney, Marx, Prosser & Anderson for plaintiff.
Henry E. Cooper and Thompson & Clemons for defendant.
- L. 6784.—J. O. Carter, Tr., v. Pacific Hardware Co.
Assumpsit.
Kinney, Marx, Prosser & Anderson for plaintiff.
A. G. M. Robertson and A. T. Brock for defendant.
- L. 6786.—Geo. L. Alexander v. Whitney & Marsh, Ltd.
Assumpsit.
Thompson & Clemons for plaintiff.
Wade Warren Thayer for defendant.
- L. 6794.—Allen & Robinson v. Jesse Makainai et al.
Ejectment.
Holmes & Stanley and C. H. Olson for plaintiff.
C. W. Ashford for defendants.
(Pending on demurrer.)
- L. 6797.—F. J. Kruger v. David Kawananaoka, Kapiolani Est., Ltd., Garnishee.
Assumpsit.
Geo. A. Davis for plaintiff.
Thompson & Clemons for defendant.
C. W. Ashford for garnishee.

- L. 6799.—Western Meat Co., Ltd., v. F. W. Klein; Metropolitan Meat Co., Garnishees.
L. A. Dickey for plaintiff.
J. Lightfoot for defendant.
- L. 6805.—Chas. Kidder v. Singer Sewing Machine Co., S. A. Paxton and J. M. Davis.
Thompson & Clemons for plaintiff.
Henry E. Cooper for defendants.
- L. 6807.—Theresa M. Louison v. Edward and Katherine Towse.
Assumpsit.
Holmes & Stanley for plaintiff.
R. W. Breckons for defendants.
(Pending on demurrer.)
- L. 6813.—Mary Richards v. C. Ontai.
Assumpsit.
E. C. Peters for plaintiff.
J. A. Magoon for defendant.
- L. 6817.—Ralph Girdler, a minor, by Charles Girdler, v. Hawaiian Electric Co., Ltd.
Damages.
Kinney, Marx, Prosser & Anderson for plaintiff.
Smith, Lewis, Warren and A. G. M. Robertson for defendant.
- L. 6819.—Carolina Vierra v. Waialua Agricultural Co., Ltd.
Trespass on the case.
J. Lightfoot and E. Vincent for plaintiff.
Castle & Withington and J. W. Cathcart for defendant.
- L. 6828.—S. Kimura v. Kuichi Ikeda.
Assumpsit.
Thompson & Clemons for plaintiff.
.....for defendant.
- L. 6829.—Kimura v. Okamura Shoten.
Assumpsit.
Thompson & Clemons for plaintiff.
.....for defendant.
- L. 6832.—Hawaiian Gazette Co., Ltd., v. C. S. Desky and M. Rosenblatt, co-partners, doing business as C. S. Desky.
Assumpsit.
Thompson & Clemons for plaintiff.
Milverton, Breckons & Thayer for defendants.
- L. 6837.—Benney & Co., Ltd., v. Oceanic Steamship Co., Ltd.
Action on contract.
Thompson & Clemons for plaintiff.
C. H. Olson for defendant.

- L. 6839.—A. N. Campbell, Trustee, v. John and Mary Atcherley.
Assumpsit.
Castle & Withington for plaintiff.
L. A. Dickey for defendants.
- L. 6841.—Alfred W. Eames v. Emma Macfarlane, doing business
as The Ahuimanu Ranch Co.
Assumpsit.
Thompson & Clemons for plaintiff.
Smith & Lewis for defendant.
- L. 6843.—S. Kimura v. Kuichi Ikeda.
Assumpsit.
Thompson & Clemons for plaintiff.
.....for defendant.
- L. 6844.—Mary M. Gouveia v. The Portuguese Mutual Benefit
Society of Hawaii.
Assumpsit.
E. C. Peters for plaintiff.
E. M. Watson for defendant.
- L. 6845.—The Portuguese Mutual Benefit Society of Hawaii v.
Mary Ann Kahanamaikai.
Ejectment.
E. M. Watson for plaintiff.
Castle & Withington for defendant.
- L. 6846.—J. Lightfoot v. J. F. Colburn.
Assumpsit.
J. Lightfoot in person.
C. W. Ashford for defendant.
- L. 6848.—Jennie C. Bell v. Katsuki Masagi.
Replevin.
F. W. Milverton for plaintiff.
E. C. Peters for defendant.
- L. 6850.—Shing Kee v. M. C. Amana, Deft.; J. O. Carter, Trustee
Bishop Estate, Ltd., Garnishee.
Appeal from District Court.
Thompson & Clemons for plaintiff.
W. C. Achi for defendant.
Holmes & Stanley attorneys for garnishee.
- L. 6851.—Western & Hawaiian Investment Company v. Kapena
Richards.
Ejectment.
Castle & Withington for plaintiff.
W. C. Achi for defendant.
- L. 6852.—August Spillner v. Yokomizo & Pashico.
Damages.
W. S. Edings & C. K. Quinn for plaintiff.
J. A. Magoon for defendants.

- L. 6855.—Y. Kodama v. Unosuke Shimizu.
Replevin.
Catheart & Milverton for plaintiff.
E. C. Peters for defendant.
- L. 6856.—J. Emmeluth v. The Waialua Agricultural Co., Ltd.;
A. J. Lopez and C. M. Forster, Trustees.
Action to quiet title.
W. S. Edings attorney for plaintiff.
Holmes & Stanley and C. H. Olson for C; M. V.
Forster, Trustee.
Castle & Withington for Waialua Agricultural Co.,
Limited.
- L. 6857.—Tom Chung et al. v. Buckingham & Hecht, Deft.; S.
M. Damon and A. W. T. Bottomley, doing business
as Bishop & Co., Garnishee.
E. C. Peters for plaintiff.
Holmes & Stanley and C. H. Olson for garnishee.
- L. 6859.—Thomas Carpenter v. H. L. Lawson.
Assumpsit.
Appeal from District Court.
Plaintiff in person..
Thompson & Clemors for defendant.
- L. 6881.—Shin Yung Kuen et al v. Y. Ito et al., Deft.; Kona
Development Co., Garnishee.
Assumpsit.
J. A. Magoon for plaintiffs.
Guy F. Maydwell for defendants.
- L. 6863.—Wm. E. Paikuli v. C. P. Iaukea.
Trespass.
E. C. Peters for plaintiff.
Kinney, Marx, Prosser & Anderson for defendant.
- L. 6864.—Kakalina Naeole (w) v. Anna Kawaikini Mikaele.
Assumpsit.
T. M. Harrison for plaintiff.
W. C. Achi for defendant.
- L. 6866.—Lum Pak Chee v. C. P. Iaukea.
Replevin.
Appeal from District Court of Honolulu.
Lyle A. Dickey for plaintiff.
Lightfoot & Quarles for defendant.
- L. 6871.—Harry T. Mills v. Isaac Cockett.
Assumpsit.
Appeal from District Court of Honolulu.
Plaintiff in person.
F. W. Milverton for defendant.

- L. 6872.—P. A. Kim v. Lai Yee Leung.
Assumpsit.
Kinney, Marx, Prosser & Anderson for plaintiff.
A. S. Humphreys for defendant.
- L. 6873.—Goodyear Rubber Co. v. Abraham Fernandez.
Assumpsit.
Appeal from District Court of Honolulu.
H. G. Middleditch for plaintiff.
C. W. Ashford for defendant.
- L. 6874.—Harry T. Mills v. Leong Chee.
Assumpsit.
Appeal from District Court of Honolulu.
Plaintiff in person.
Cathcart & Milverton for defendant.
- L. 6875.—L. L. McCandless v. C. F. Peterson.
Assumpsit.
Appeal from District Court of Honolulu.
A. G. M. Robertson for plaintiff.
Defendant in person.
- L. 6877.—F. M. Pacheco v. Manuel Rapozo Borji.
Ejectment.
J. Alfred Magoon for plaintiff.
Holmes, Stanley and C. H. Olson for defendant.
- L. 6878.—R. T. Guard v. David Reinhardt, defendant; Wall,
Nichols Co., garnishee.
Assumpsit.
Appeal from Circuit Court, Fourth Circuit.
.....for plaintiff.
.....for defendant and garnishee.
- L. 6880.—J. H. Schnack v. Wm. A. Hall.
Assumpsit.
Appeal from District Court of Honolulu.
H. G. Middleditch for plaintiff.
C. W. Ashford for defendant.
- L. 6881.—Lau Tong v. E. O. White.
Trespass on the case.
E. C. Peters for plaintiff.
Antonio Perry for defendant.
- L. 6883.—John Keaulana v. John and Annie Poepoe.
Ejectment.
Thompson & Clemons for plaintiff.
W. C. Achi for defendant.
- L. 6886.—John Keaulana v. L. Snow, Trustee.
Ejectment.
Thompson & Clemons for plaintiff.
W. C. Achi for defendant.

- L. 6887.—E. J. Lord v. Wm. W. Harris.
Assumpsit.
Thompson & Clemons for plaintiff.
E. M. Watson for defendant.
- L. 6888.—J. H. Schnack v. Wm. A. Hall.
Assumpsit.
Appeal from District Court of Honolulu.
H. G. Middleditch for plaintiff.
C. W. Ashford for defendant.
- L. 6792.—Consolidated Rubber Tire Co. v. W. W. Wright.
Assumpsit.
Appeal from District Court of Honolulu.
E. M. Watson for plaintiff.
Thompson & Clemons for defendant.
- L. 6895.—Marshall Wells Hardward Co. v. J. W. Podmore.
Assumpsit.
Thompson & Clemons for plaintiff.
.....for defendant.
- L. 6896.—Kusunoki Shoten v. Hasegawa.
Assumpsit.
Appeal from District Court of Honolulu.
H. G. Middleditch for plaintiff.
E. M. Watson for defendant.
- L. 6897.—Chas. T. Wilder, Assessor, v. John F. Colburn.
Assumpsit.
Attorney General for plaintiff.
C. W. Ashford for defendant.
- L. 6898.—John W. Cathcart v. Hawaiian Gazette Co.
Action for libel.
A. G. M. Robertson and F. W. Milverton for plaintiff.
Kinney, Marx, Prosser & Anderson for defendant.
- L. 6900.—John W. Cathcart v. Hawaiian Gazette Co.
Action for libel.
A. G. M. Robertson and F. W. Milverton for plaintiff.
Kinney, Marx, Prosser & Anderson for defendant.
- L. 6901.—John W. Cathcart v. Hawaiian Gazette Co.
Action for libel.
A. G. M. Robertson and F. W. Milverton for plaintiff.
Kinney, Marx, Prosser & Anderson for defendant.
- L. 6902.—John W. Cathcart v. Hawaiian Gazette Co.
Action for libel.
A. G. M. Robertson and F. W. Milverton for plaintiff.
Kinney, Marx, Prosser & Anderson for defendant.

- L. 6903.—Bawl Young v. B. J. Wright.
Assumpsit.
Appeal from District Court of Honolulu.
P. L. Weaver for plaintiff.
J. W. Cathcart for defendant.
- L. 6904.—Harry T. Mills v. H. Chang Man.
Assumpsit.
Appeal from District Court of Honolulu.
Plaintiff in person.
Thompson & Clemons for defendant.
- L. 6905.—Lam Yip v. Lam Wo Sing.
Assumpsit.
W. W. Thayer and R. W. Breckons for plaintiff.
Holmes & Stanley and C. H. Olson for defendant.
- L. 6908.—Bessie R. Burns v. Julia H. Afong.
Assumpsit.
Thompson & Clemons for plaintiff.
Holmes & Stanley and C. H. Olson for defendant.
(Pending on demurrer.)
- L. 6909.—Louis Sanchez Garcia v. Waiialua Agricultural Co., Ltd.
Trespass on the case.
J. Alfred Magoon for plaintiff.
Castle & Withington for defendant.
- L. 6911.—John W. Cathcart v. Hawaiian Gazette Co.
Action for libel.
A. G. M. Robertson and F. W. Milverton for plaintiff.
Kinney, Marx, Prosser & Anderson for defendant.
- L. 6912.—Hoffschlaeger Co., Ltd., v. H. F. Singer.
Assumpsit.
E. C. Peters for plaintiff.
.....for defendant.
- L. 6913.—Maud H. Giesecke v. Gus Schuman.
Trespass on the case.
E. C. Peters and Wm. T. Rawlins for plaintiff.
Geo. A. Davis for defendant.
- L. 6914.—Paul R. Isenberg v. John Lucas et al.
Assumpsit.
Thompson & Clemons for plaintiff.
.....for defendants.
- L. 6918.—Frank K. Archer v. S. Maka and J. Sakehara.
Ejectment.
W. C. Achi for plaintiff.
W. T. Rawlins for defendants.
- L. 6919.—K. Paawela v. Frank K. Archer et al.
Replevin.
Appeal from District Court of Honolulu.
C. F. Peterson for plaintiff.
W. C. Achi for defendant.

- L. 6921.—L. Ah Leong v. Y. Okumoto.
Assumpsit.
Appeal from District Court of Honolulu.
A. S. Humphreys for plaintiff.
E. C. Peters for defendant.
- L. 6922.—L. Ah Leong v. Y. Okumoto.
Assumpsit.
A. S. Humphreys for plaintiff.
E. C. Peters for defendant.
- L. 6924.—Dowsett Co., Ltd., v. L. L. McCandless.
Action to quiet title.
Kinney, Marx, Prosser & Anderson for plaintiff.
A. G. M. Robertson for defendant.
- L. 6925.—Wm. F. Davis et al., Executors, v. Chas. R. Collins.
Assumpsit.
Thompson & Clemons for plaintiff.
E. C. Peters for defendant.
- L. 6652.—Solomon Kauhane et al. v. Wm. Laa.
Damages.
W. W. Thayer for plaintiff.
W. C. Achi for defendant.

CIRCUIT COURT, FIFTH JUDICIAL CIRCUIT,
TERRITORY OF HAWAII

Report of Causes Pending December 31, 1908.

LAW.

Territory vs. E. McCorriston.	Embezzlement, 4 counts, entered, 6th of November, 1908. Continued at November Term, 1908, owing to illness of defendant's counsel.
Territory vs. Ah Poi.	Selling liquor without license, on appeal, continued from November, 1908 term, owing to inability of de- fendant's counsel to be present. En- tered, 28th of October, 1908.
W. K. Uuku vs. Eliz. Kaio et al.	Action to quiet title. Entered, 15th January, 1908. Continued from term to term by consent of counsel.
S. K. Kaeo et al. vs. J. I. Silva.	Assumpsit. Entered, 22nd of Au- gust, 1908. Continued by consent of parties.
S. K. Mookini vs. Koloa Sugar Co.	Ejectment. Entered, 16th of Sep- tember, 1908. Continued by consent.

Masakichi Tashima et al vs. Man. Jardin.	Ejectment. Entered, 15th of August, 1906. Continued pending action by parties.
Department of Public Instruction vs. Makee Sugar Co.	Ejectment. Entered, 1st of February, 1905. Continued by consent, pending settlement of land questions between the government and defendant.
Waimea Stables Co. vs.	Assumpsit. Entered, 8th of May, 1908. Continued by consent of parties.
Kauai Wine & Liquor Co. Shigawa vs.	Assumpsit. Entered, 8th of May, 1908. Continued by consent.
Kauai Wine & Liquor Co. Leong Hing vs. Ah Lun.	Assumpsit. Entered, 30th of June, 1908. Continued by consent.
Kauai Wine & Liquor Co. vs. W. A. Wright et al.	Assumpsit. Entered, 4th of September, 1908. Continued by consent.
S. K. Kao vs. Ozaka.	Assumpsit. Entered, 6th of November, 1905. Continued by consent of parties, and for trial in vacation.

PROBATE.

Estate C. L. Kahlbaum, deceased.	Probate of Will. Entered, 24th of September, 1908. Hearing, 5th of November, 1908, and continued owing to inability of counsel for petition to be present, to 13th of January, 1909.
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EQUITY.

Nil.

DIVORCE.

Nil.

The Communication was ordered referred to the Committee on Judiciary.

Senator Knudsen presented the Report (No. 40) of the Judiciary Committee on House Bill No. 36, as follows:

SENATE JOURNAL.

SENATE CHAMBER.

Honolulu, T. H., March 2, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom House Bill No. 36, entitled "An Act to Amend Section 2512 of the Revised Laws of Hawaii Relating to Inheritance from Illegitimate Persons," was referred, begs leave to report that it has given the same careful consideration.

The object of the Bill is a worthy one, and your Committee recommends its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Coelho moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Fairchild and carried.

Senator Knudsen presented the Report (No. 41) of the Committee on Judiciary on Senate Bill No. 45, as follows:

SENATE CHAMBER.

Honolulu, T. H., March 2, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 45, entitled "An Act to Provide for the Service of Process in Judicial and Administrative Suits and Proceedings against Corporations," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to provide a means of service on corporations where no officer can be found on whom service can be made.

Your Committee believes the object of the Bill to be a good one, and would recommend its passage, amended to read as follows:

"AN ACT
TO PROVIDE FOR SERVICE ON CORPORATIONS.

"Be It Enacted by the Legislature of the Territory of Hawaii:

"Section 1. Service of any notice or process authorized by law issued against any corporation, whether domestic or foreign, by any magistrate, court, judicial or administrative officer or board, may be made in the manner provided by law upon any officer or director of such corporation who shall be found within the jurisdiction of such magistrate, court, officer or board, and in default of finding such officer or director, upon the manager or superintendent of such corporation or any person who shall be found in charge of the property, business, or office of such corporation, within such jurisdiction.

"Provided that if no officer, director, manager, superintendent or other person in charge of the property, business or office of such corporation can be found within the Territory, and in case such corporation, if a foreign corporation, shall have neglected to file with the officer specified in Section 2623 of the Revised Laws, the name of a person upon whom legal notice and process from the courts of the Territory may be served, and likewise in the event that the person so named shall not be found within the Territory, such service may be made upon such corporation by filing with the Treasurer of the Territory, or in his absence, with the Registrar of Public Accounts, a copy of such notice, or process, certified to be such under the seal of any court of record, or by the magistrate, or by the chairman, or president of such board, or by the officer issuing the same, and such filing shall be deemed service upon such corporation thirty days after such filing, and shall authorize such magistrate, board or officer to proceed in all respects as in the case of service personally made upon an individual.

"Section 2. Nothing in this Act shall be construed to prevent service upon foreign corporations in the manner contemplated by Section 2623 of the Revised Laws.

"Section 3. This Act shall take effect upon its approval.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Kalama moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Fairchild and carried.

Senator Coelho offered the following Resolution (No. 34) for the Relief of the Clerk of the Judiciary Department:

RESOLUTION FOR THE RELIEF OF THE CLERK OF THE
JUDICIARY DEPARTMENT.

WHEREAS, an error of one hundred dollars has been discovered in the books of said clerk, in the adding up of a debit column of figures in an account kept by the said Clerk of the Judiciary Department, primarily caused by transferring the account in question from one docket, closed, to another docket, current, which said amount of one hundred dollars was hereafter paid out in excess of the true and correct balance of account, which said overpayment was made during the year 1898, but was not discovered until nine (9) years thereafter, to wit, in the year 1907; and

WHEREAS, the Territory was not and is not now a party concerned in the said overpayment, the loss thereby incurred being solely related to said Clerk of the Judiciary Department on the one hand as depositary, and Litigants on the other hand as sole owners of the deposits made by them with said clerk, subject to costs of court thereafter to accrue, and

WHEREAS, the said clerk endeavored in good faith to use the principal (deposits) belonging as aforesaid to the Litigants by putting a portion of the same out at interest to be earned so as to enable him to restore said deposits or principal to their original status; but that in his efforts so to do he was overruled by the Auditing Department of the Territory which claimed that any interest earned from and out of Litigants' deposits must accrue and be credited solely to the Territory without allowing any part of the same towards recoupment of said deposits by reason of the overpayment as aforesaid, and

WHEREAS, the firm of lawyers to whom the money was paid and by whom the money was settled to their client, has dissolved, one member thereof having left the Territory and no equal contribution from all of the members can be had in respect of said overpayment, and that by reason thereof said clerk is remediless to equalize among them their responsibility as to said overpayment.

THEREFORE BE IT RESOLVED BY THE SENATE, that the Judiciary Committee be directed to investigate this matter; to hear the said Clerk of the Judiciary Department and the Territorial Auditor, in regard to what they wish to say concern-

ing the matters herein referred to, and to report such recommendations as it may see fit and proper to make in the premises.

W. J. COELHO,
Senator, 2nd District.

Senator Kalama moved that the Resolution be referred to the Committee on Judiciary. Seconded by Senator Fairchild and carried.

Senator McCarthy gave notice of intention to introduce a Bill entitled "An Act to Amend Section 14 of Act 119 of the Session Laws of 1907."

Under suspension of the Rules, Senator McCarthy introduced a Bill (S. B. No. 63) entitled "An Act to Amend Section 14 of Act 119 of the Session Laws of 1907."

The Bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Chillingworth offered the following Concurrent Resolution (No. 7) relating to the sending of a cablegram of congratulations to Hon. Wm. H. Taft, President of the United States, by the Legislature of the Territory of Hawaii:

CONCURRENT RESOLUTION.

BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, the House of Representatives concurring, that a message, over the signatures of the President of the Senate and the Speaker of the House of Representatives, be sent by cable, on the morning of March 4, to the Hon. Wm. H. Taft, President of the United States, as follows:

Hon. Wm. H. Taft,
President of the United States.

The Legislature of the Territory of Hawaii sends congratulations.

CHAS. F. CHILLINGWORTH,
Senator, 3rd District.

March 3, 1909.

Senator Chillingworth moved that the Resolution be adopted. Seconded by Senator Fairchild and carried unanimously.

Senator Baker gave notice of intention to introduce a Bill

entitled "An Act to Provide for a Specific Tax of 10 Cents per Acre upon certain Lands in the Territory of Hawaii."

Under suspension of the Rules, Senator Baker introduced a Bill (S. B. No. 64) entitled "An Act to Provide for a Specific Tax of 10 Cents per Acre upon Certain Lands in the Territory of Hawaii."

The Bill was read by title and, upon motion of Senator Baker, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Second Reading of House Bill No. 16 entitled "An Act Exempting Certain Persons from the Payment of Poll, Road and School Tax."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 27 entitled "An Act to Reduce the Price of the Revised Laws of Hawaii."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 37 entitled "An Act to Amend Chapter 14 of the Revised Laws of Hawaii Relating to 'Taxation, Educational and Judicial Districts'."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 36 entitled "An Act to Amend Section 2512 of the Revised Laws of Hawaii, Relating to Inheritance from Illegitimate Persons."

Upon motion of Senator Harvey, seconded by Senator Kalama, the Bill passed Second Reading.

Second Reading of Senate Bill No. 45 entitled "An Act to Provide for the Service of Process in Judicial and Administrative Suits and Proceedings against Corporations."

Upon motion of Senator Kalama, seconded by Senator Baker, the Report of the Committee on the Bill was adopted.

Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1637 of Chapter 113 of the Revised Laws of Hawaii."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 65) entitled "An Act to Amend Section 1637 of Chapter 113 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 10:40 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Kalama and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Under suspension of the Rules, Senator Brown presented the Report (No. 42) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 60, 61, 62, 56, 57, 58 and 59, as follows:

Honolulu, T. H., March 3, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing beg leave to report Senate Bills Nos. 60, 61, 62, 56, 57, 58 and 59 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Quinn presented the Report (No. 43) of the Committee on Accounts on House Concurrent Resolution No. 9, as follows:

SENATE CHAMBER.

Honolulu, T. H., March 3, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Accounts to whom was referred House Concurrent Resolution No. 9, relating to the Secretary of Hawaii being authorized, empowered and directed to have printed all Acts passed by this Legislature, as soon as may be after the same have become law, and to distribute copies thereof to each member of the Legislature, begs leave to report that it has had the same under careful consideration.

The object of the Resolution is a good one and your Committee recommends that the same be adopted.

Respectfully submitted,

E. W. QUINN,
Chairman;
W. T. ROBINSON,
PALMER P. WOODS.

Upon motion of Senator Kalama, seconded by Senator Brown, the Report of the Committee was adopted.

Second Reading of Senate Bill No. 56 entitled "An Act to Prohibit Persons from Associating themselves together in Military Companies or Organizations or for Military Purposes, and or the Giving or Receiving of Military Instructions."

Referred to the Committee on Military and Public Expenditures.

Second Reading of Senate Bill No. 57 entitled "An Act to Provide for the Erection of a Government Building in Hilo, County of Hawaii, for the Use of the Fourth Judicial Circuit Court and other Public Purposes."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of Senate Bill No. 58 entitled "An Act to Amend Section 1221 of the Revised Laws, Relating to Property Exempt from Taxation."

Referred to the Select Committee on Taxation.

Second Reading of Senate Bill No. 59 entitled "An Act to Prohibit the Wearing of the Uniform of the United States Army or Navy or National Guard of Hawaii."

Referred to the Committee on Military and Public Expenditures.

Second Reading of Senate Bill No. 60 entitled "An Act to Confirm the Titles of the Holders and Claimants of Unawarded and Unpatented Lands in Certain Cases, and to Provide for the Conveyance of any Rights of the Territory therein."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 61 entitled "An Act to Provide for Validating the Incorporation of Railway and Transportation Companies heretofore Incorporated under Charters Granted by the Treasurer of the Territory of Hawaii with the Consent of the Governor, or by their predecessors in Office, and Certain Contracts made and Acts and Proceedings had under said Charters and Amendments thereto, and in Reference thereto, and the Granting thereof."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 62 entitled "An Act to Amend Section 3196 of the Revised Laws of Hawaii, Pertaining to Offenses against the Right of Sepulture."

Referred to the Committee on Judiciary.

A Communication (No. 37) from the House of Representatives, transmitting House Bill No. 17, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 17, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 17 entitled "An Act to Amend Section 23 of an Act entitled 'An Act Incorporating the City and County of Honolulu,' being Act 118 of the Session Laws of 1907."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator McCarthy, passed First Reading.

A Communication (No. 38) from the House of Representatives, transmitting House Bill No. 5, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 5, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 5 entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator McCarthy, passed First Reading.

A Communication (No. 39) from the House of Representatives, transmitting House Bill No. 58, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and

Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 58, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 58 entitled "An Act to Repeal Act 64 of the Session Laws of 1905 as Amended by Act 79 of the Session Laws of 1907, Relating to the Issuance of Certificates of Hawaiian Birth."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Quinn, passed First Reading.

A Communication (No. 40) from the House of Representatives, transmitting House Bill No. 62, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and

Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 62, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 62 entitled "An Act to Amend Section 2542 of the Revised Laws of Hawaii, Relating to the Granting of Charters of Incorporation."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 41) from the House of Representatives, transmitting House Bill No. 15, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 15, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 15 entitled "An Act Providing for the Maintenance and Support of the Family of a Deceased Person pending the Administration of his Estate and making provision for a Homestead for such Family."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

A Communication (No. 42) from the House of Representatives, transmitting House Bill No. 55, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 55, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 55 entitled "An Act to Repeal Section 1018 of the Revised Laws of Hawaii, Relating to Certificates of Vaccination."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator Coelho, passed First Reading.

A Communication (No. 43) from the House of Representatives, transmitting House Bill No. 69, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 69, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 69 entitled "An Act to Amend Sections 2 and 7 of Act 100 of the Session Laws of 1905, Relating to Bonds of Public Officers."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading.

A Communication (No. 44) from the House of Representatives, transmitting House Bill No. 63, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 63, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 63 entitled "An Act to Amend Sections 1744, 1746 and 1858 of the Revised Laws, Relating to Trials by Jury."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading.

A Communication (No. 45) from the House of Representatives, returning Senate Concurrent Resolution No. 7, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Concurrent Resolution No. 7, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Brown gave notice of intention to introduce a Bill entitled "An Act to Provide for the Construction and Repair of Sidewalks, and the Payment of the Cost thereof."

Under suspension of the Rules, Senator Brown introduced a Bill (S. B. No. 66) entitled "An Act to Provide for the Construction and Repair of Sidewalks, and the Payment of the Cost thereof."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Quinn gave notice of intention to introduce a Bill entitled "An Act to Amend Chapter 37 of the Revised Laws of Hawaii, Relating to Game, by adding two new Sections to said Chapter to be known as 'Section 459A' and 'Section 459B'."

Under suspension of the Rules, Senator Quinn introduced a Bill (S. B. No. 67) entitled "An Act to Amend Chapter 37 of the Revised Laws of Hawaii, Relating to Game, by Adding two New Sections to said Chapter to be known as 'Section 459A' and 'Section 459B'."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Makekau gave notice of intention to introduce the following Bills:

"An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws as Amended by Acts 34 and 37 respectively of the Laws of 1905, and as further Amended by Act 50 of the Laws of 1907."

"An Act Relating to Contracts for Supplies to the Territory or any Subdivision thereof."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 68) entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws as Amended by Acts 34 and 37 respectively of the Laws of 1905, and as further amended by Act 50 of the Laws of 1907."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Makekau introduced a Bill (S. B. No. 69) entitled "An Act Relating to Contracts for Supplies to the Territory or any subdivision thereof."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Woods for the Select Committee consisting of the Members from the Island of Hawaii asked for further time in which to report on matters referred to such Committee. Granted.

At 2:19 o'clock, upon motion of Senator Coelho, seconded by Senator Fairchild, the Senate adjourned.

WILLAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTEENTH DAY.

Thursday, March 4th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth (excused) and Kalama absent.

The Journal of the Twelfth Day was read and, upon motion of Senator Quinn, seconded by Senator Brown, approved as read.

A Communication (No. 46) from the House of Representatives, transmitting House Bill No. 32, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 32, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 32 entitled "An Act Relating to Transcripts of Evidence in Felony Cases."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

A Communication (No. 47) from the House of Representatives, returning Senate Bill No. 38, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3rd, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to return herewith Senate Bill No. 38, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

In line 1 of Section 1, strike out the word "five" and insert in lieu thereof the word "three."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Knudsen moved that the Senate concur in the amendment made by the House of Representatives. Seconded by Senator McCarthy.

The motion to concur was then withdrawn, Senator McCarthy moving to defer action on the Bill until Senator Moore, the introducer of the Bill, was present. Seconded by Senator Woods and carried.

Senator Coelho presented the following Petition (No. 11) from A. N. Hayselden, president of the Lahaina Improvement Association, making recommendations in the matter of Public Improvements and Appropriations for the District of Lahaina:

At a meeting of the Lahaina Improvement Association, held at Lahaina Court House on Wednesday the 3rd day of March, A. D. 1909, for the purpose of making recommendations to our Legislators, Senators and Representatives, in the matter of Public Improvements and Appropriations, and other matters affecting the welfare of the district of Lahaina, and matters of public policy affecting not only this district but the Territory at large:

IT WAS RESOLVED:

First: That this Association does hereby go on record as unalterably opposed to any change or amendment, to be made, or sought to be made, in the present law governing the granting of liquor licenses.

Second: That this Association is unalterably opposed to the change of Court terms for the Second Judicial Circuit, as proposed in a certain Bill now before the Legislature, which in effect takes from Lahaina the one Court term which it is now entitled to.

Third: That this Association favors the granting by the Legislature of an appropriation for the Hospital for Lahaina District as provided for in a Bill now before it, and for any further provisions for the same, which the Legislature may allow.

Fourth: That this Association favors a liberal appropriation for the support of Lahainaluna Industrial Schools.

Fifth: That this Association favors the appropriation of an

amount sufficient to erect a new Government Building at Lahaina, and failing which, a liberal appropriation for the repair of the present building which is in a sad state of neglect.

Sixth: That this Association strongly recommends the provision of an Army building for Lahaina.

That this Association further respectfully requests the Honorable House of Representatives and the Honorable Senate to take the matters herein represented under consideration; all of which is respectfully submitted.

A. N. HAYSELDEN,

President of the Lahaina Improvement Association.

ROBERT LAW,

Secretary Lahaina Improvement Association.

The Petition was ordered referred to the Committee on Judiciary.

Senator Knudsen moved that Senate Bill No. 35 be recommended to the Committee on Judiciary. Seconded by Senator Kalama and carried.

A Communication (No. 12) from C. H. Dickey, Chairman, Committee on Legislation, Civic Federation of Honolulu, protesting against the passage of Senate Bill No. 29, was read by the Clerk as follows:

CIVIC FEDERATION OF HONOLULU.

Honolulu, T. H., March 4th, 1909.

Hon. W. O. Smith,

President of the Senate.

I enclose a petition from the Civic Federation against the passage of Senate Bill No. 29, which we would like presented to the Senate and referred if possible to the Committee having the bill in hand.

Yours respectfully,

C. H. DICKEY,

Chairman Committee on Legislation Civic Federation
of Honolulu.

PETITION.

To the Honorable

Senate and House of Representatives,
Territory of Hawaii.

Greeting:—The Civic Federation of Honolulu respectfully petitions your Honorable Body that Senate Bill No. 29 entitled

"An Act to amend Act 119 of the Session Laws of 1907 entitled 'An Act to regulate the sale of intoxicating liquors, repealing Act 67 of the Session Laws of 1905,' " be not passed for the following reasons:

(1) The present liquor law has worked well in most sections, causing a marked decrease in drunkenness. It has been complimented highly by many prominent visitors to the Territory. It should have a fair show to prove itself by being left unamended for another term.

(2) The proposed law takes from the Commissioners their discretion in issuing licenses making it mandatory that the license issue if the consent of adjacent property holders has been obtained. This revives the similar feature of the law of 1905 to which great objection was made. The discretion of the commissioners is the most valuable feature of the present law and should not be eliminated.

(3) The bill proposes to reduce the amount of the license fee. This should not be done. An ample number of licensees have paid the present fees and there is no call to reduce our revenues.

(4) The bill provides for an appeal from all decisions of the board by the saloon keeper under bonds. This would enable a skilful lawyer to delay the hearing of the case by interposing technicalities so that the entire term of the license would elapse before final determination, thus defeating the law. The matter should be decided at once in order to protect the rights of the citizens.

(5) The bill allows the sale of liquor in restaurants without meals. This opens the door to any saloon to sell liquor after hours, Sundays and election day by simply hiring a cook and running a restaurant on the same premises. The Commissioners of Oahu have practically decided that the present law did not allow liquor to be sold by restaurants except at and with meals.

(6) Pending an appeal the bill allows the applicant to go ahead operating his saloon until the appeal is decided. This would render the whole matter a farce. He would only be out his lawyer's fee in case the appeal went against him as the case could be prolonged by continuances, etc., as above stated.

(7) The Republican Party platform declared for the course that the present liquor law should not be amended at this session. A majority of both Houses were elected under that platform.

(8) The bill if it becomes a law will greatly increase saloons and drunkenness and consequently misery and distress of women and children.

(9) The law as framed drops out the only local option feature of the present law and is a step backward. Forty out of forty-

six states have now local option laws or prohibition. To eliminate this feature is a direct attack on the rights of the majority.

(10) The proposed law makes all meetings of the Board public. This is hard on applicants whose character are in question. Privacy in consultation is often desirable.

(11) Under the law as proposed no saloon can be suspended, no matter how much it disregard the law. An appeal lies from suspension also, and under it justice can be defeated, and the saloon go right on.

Respectfully submitted,

C. H. DICKEY,
Chairman;

DOREMUS SCUDDER,
W. R. CASTLE,
Committee on Legislation Civic Federation.

The Communication was ordered referred to the Committee on Ways and Means.

Senator Brown presented the Report (No. 44) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 63, 64 and 65, as follows:

Honolulu, T. H., March 4, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 63, 64 and 65 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Coelho, for the Select Committee on House Concurrent Resolution No. 10, presented the Report (No. 2) of the Committee on House Concurrent Resolution No 10, as follows:

SENATE CHAMBER.

Honolulu, March 4, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Select Committee to whom was referred House Concurrent Resolution No. 10 relating to the "Bonine Poi Eating Films", beg leave to report, that we have met Mr. Bonine and he informed us that he had already caused the objectionable film to be discarded and destroyed, which he did at the time he received the first intimation of any one being hurt by its exhibition and before the Resolution was received in the Senate. Mr. Bonine expressed his sincere regret for being the cause of innocently creating such adverse feeling to what he had regarded as a means of illustrating in some graphic manner and with a humorous tend, a scene which might depict an old time custom which is almost a thing of the past.

Your Committee feel that the action of the House was justifiable in promptly expressing their feeling as to what they seemed very objectionable; but, as the same is now beyond any future use, the Committee therefore recommend that said Concurrent Resolution of the House be tabled.

Very respectfully submitted,

W. J. COELHO,
Chairman;
S. E. KALAMA,
PALMER P. WOODS.

Upon motion of Senator Coelho, seconded by Senator Woods, the Report of the Committee was adopted.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Provide for the Appointment of Bail Commissioners in the Several Judicial Circuits of the Territory of Hawaii."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 70) entitled "An Act to Provide for the Appointment of Bail Commissioners in the Several Judicial Circuits of the Territory of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 45 entitled "An Act to Provide for Service on Corporations."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—1.

Third Reading of House Bill No. 36 entitled "An Act to Amend Section 2512 of the Revised Laws of Hawaii, Relating to Inheritance from Illegitimate Persons."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—1.

Second Reading of House Bill No. 5 entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances."

Upon motion of Senator McCarthy, seconded by Senator Coelho, the Bill was referred to the Committee on Judiciary.

Second Reading of House Bill No. 15 entitled "An Act Providing for the Maintenance and Support of the Family of a Deceased Person pending the Administration of his Estate, and Making Provision for a Homestead for such Family."

Upon motion of Senator Kalama, seconded by Senator Coelho, the Bill was referred to the Committee on Judiciary.

Second Reading of House Bill No. 17 entitled "An Act to Amend Section 23 of an Act entitled 'An Act Incorporating the City and County of Honolulu,' Being Act 118 of the Session Laws of 1907."

Upon motion of Senator Harvey, seconded by Senator Fairchild, the Bill was referred to the Committee on Public Health.

Second Reading of House Bill No. 55 entitled "An Act to Repeal Section 1018 of the Revised Laws of Hawaii, Relating to Certificates of Vaccination."

Referred to the Committee on Public Health.

Second Reading of House Bill No. 58 entitled "An Act to Repeal Act 64 of the Session Laws of 1905 as Amended by Act 79 of the Session Laws of 1907, Relating to the Issuance of Certificates of Hawaiian Birth."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 62 entitled "An Act to Amend Section 2542 of the Revised Laws of Hawaii, Relating to the Granting of Charters of Incorporation."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 63 entitled "An Act to Amend Sections 1744, 1746 and 1858 of the Revised Laws, Relating to Trials by Jury."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 69 entitled "An Act to Amend Sections 2 and 7 of Act 100 of the Session Laws of 1905, Relating to Bonds of Public Officers."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 63 entitled "An Act to Amend Section 14 of Act 119 of the Session Laws of 1907."

Upon motion of Senator McCarthy, seconded by Senator Knudsen, the Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 64 entitled "An Act to Provide for a Specific Tax of 10 Cents per Acre upon Certain Lands in the Territory of Hawaii."

Upon motion of Senator Baker, seconded by Senator Fairchild, the Bill was referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 65 entitled "An Act to Amend Section 1637 of Chapter 113 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Senator Moore moved to concur in the Amendment made by the House of Representatives to Senate Bill No. 38. Seconded by Senator Coelho and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—1.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act to Appropriate Money for the Payment of the Trustees of the Estate of Bernice Pauahi Bishop for the Taking of Certain Lands by the Territory."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 71) entitled "An Act to Appropriate Money for the Payment of the Trustees of the Estate of Bernice Pauahi Bishop for the Taking of Certain Lands by the Territory."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator Kalama, passed First Reading

and was referred to the Committee on Enrollment, Revision and Printing.

Senator Fairchild on behalf of the Committee on Ways and Means gave notice of intention to introduce a Bill entitled "An Act to Appropriate Money for the Payment of the Claim of P. L. Weaver, Judge of the Court of Land Registration, for Certain Expenses incurred in 1903."

Under suspension of the Rules, Senator Fairchild on behalf of the Committee on Ways and Means introduced a Bill (S. B. No. 72) entitled "An Act to Appropriate Money for the Payment of the Claim of P. L. Weaver, Judge of the Court of Land Registration, for Certain Expenses incurred in 1903."

The Bill was read by title and, upon motion of Senator Fairchild seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 10:50 o'clock Senator Knudsen moved to take a recess until 2 o'clock. Seconded by Senator Quinn and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

At 2:01 o'clock, the Chair announced a recess of 10 minutes.

At 2:11 o'clock the Senate reconvened.

At 2:12 o'clock, upon motion of Senator Coelho, seconded by Senator Robinson, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FOURTEENTH DAY.

Friday, March 5th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Thirteenth Day was read and, upon

motion of Senator Robinson, seconded by Senator Brown, approved as read.

A Communication (No. 48) from the House of Representatives, returning Senate Bill No. 44, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President
and Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 44, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 49) from the House of Representatives, returning Senate Bill No. 34, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 34, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 50) from the House of Representatives, returning Senate Bill No. 39, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 39, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 51) from the House of Representatives, returning Senate Bill No. 7, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 7, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 52) from the House of Representatives, returning Senate Bill No. 41, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 41, which
this day passed Third Reading in the House of Representatives
of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 53) from the House of Representatives,
transmitting House Bill No. 51, was read by the Clerk
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 51, which
this day passed Third Reading in the House of Representatives
of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 51 entitled "An Act to
Define and Regulate the Treatment and Control of Dependent
and Delinquent Children."

The Bill was read by title and, upon motion of Senator
Coelho, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 54) from the House of Representatives,
transmitting House Bill No. 53, was read by the Clerk
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 53, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 53 entitled "An Act to Amend Section 2 of Chapter 2 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 55) from the House of Representatives, transmitting House Bill No. 70, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 70, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 70 entitled "An Act Making Certificates of Hawaiian Birth issued under and by the

Department of Commerce and Labor of the United States of America Prima Facie Evidence of the facts therein stated before Territorial Courts and Registration Boards."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading.

A Communication (No. 56) from the House of Representatives, transmitting House Bill No. 98, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 98, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 98 entitled "An Act Authorizing the Payment of Certain Persons Employed by the City and County of Honolulu."

The Bill was read by title.

Senator Fairchild moved that the Bill pass First Reading Seconded by Senator Quinn.

Senator Makekau moved as an amendment that the Bill pass First Reading and be referred to the Committee on Enrollment, Revision and Printing. Seconded by Senator McCarthy and carried.

A Communication (No. 13) from the Woman's Christian Temperance Union of Hawaii, protesting against the passage of Senate Bill No. 29, was read by the Clerk as follows:

Honolulu, T. H., March 4, 1909.

To the Honorable Senate and
House of Representatives,
Territory of Hawaii.

Greeting:—The Woman's Christian Temperance Union of Hawaii respectfully petitions your honorable body that Senate Bill No. 29 entitled "An Act to amend Section 119 of the Session Laws of 1907 entitled An Act to regulate the sale of intoxicating liquors, repealing Section 67 of the Session Laws of 1905," be not passed.

On behalf of the Society,

MARY S. WHITNEY,
President;
FLORENCE R. YARROW,
Secretary.

The Communication was referred to the Committee on Ways and Means.

A Communication (No. 14) from Lyle A. Dickey, Secretary of the Anti-Saloon League of Hawaii, transmitting Petition against the passage of Senate Bill No. 29, was read by the Clerk as follows:

503 STANGENWALD BUILDING,

Honolulu, T. H., March 4, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—I enclose a petition of the Executive Committee of the Anti-Saloon League of Hawaii and request that the same be presented to the Senate.

Respectfully yours,

LYLE A. DICKEY,
Secretary Anti-Saloon League of Hawaii.

PETITION.

To the Senate and House of Representatives,
Territory of Hawaii.

We, the undersigned, members of the Executive Committee of

the Anti-Saloon League respectfully petition against the passage of Senate Bill No. 29.

JOHN W. WADMAN,
President;

LYLE A. DICKEY,
Secretary;

C. H. DICKEY,
Treasurer;

JOHN M. MARTIN,
GEORGE P. CASTLE,
THEODORE RICHARDS,
WM. BREWSTER OLESON,
PAUL SUPER,
JAS. A. RATH,
FRANK S. SCUDDER,
G. J. WALLER,
A. V. SOARES,
WM. W. HALL,
MRS. J. M. WHITNEY,

Vice-President;

W. D. WESTERVELT,
Vice-President;

P. W. RIDER,
WALTER C. WEEDON,
T. OKUMURA,
DOREMUS SCUDDER,
AMOS A. EBERSOLE,
F. C. ATHERTON,
WM. R. CASTLE,
W. A. BOWEN.

The Communication was referred to the Committee on Ways and Means.

A Communication (No. 15) from J. N. Densham, Secretary Haleiwa Race Committee, inviting the Members of the Senate to be present at the start of the coming Marathon race to Haleiwa, was read by the Clerk as follows:

Honolulu, Hawaii, March 5, 1909.

Honorable Wm. O. Smith,
President, Senate of Hawaii Territory,
City.

Dear Sir:—I have been instructed by the committee in charge of the coming Marathon race to Haleiwa, to invite you and the

members of the Senate to be present at the start of the race which will take place at Aala Park at half-past seven on the morning of Sunday, March 14.

Seats will be reserved for you in the grandstand and we feel that the racers, of whom seventy-five are entered, would be highly honored to have the encouragement of your presence.

Trusting that you will be able to attend and witness what bids fair to be a unique scene, I beg to subscribe myself,

Respectfully yours,

J. N. DENSHAM,
Secretary, Haleiwa Race Committee.

Upon motion of Senator Quinn, seconded by Senator Brown, the Communication was ordered received and placed on file.

Senator Knudsen presented the following Petition (No. 16) from Residents and Tax Payers of Kekaha, Kauai, petitioning for a suitable appropriation for Water Works System at Kekaha:

To the President and
Members of the Senate.

We, the undersigned residents and tax payers of Kekaha, in the District of Waimea, Island of Kauai, Territory of Kauai, respectfully petition your honorable body to make a suitable appropriation in order to purchase a suitable water system for Kekaha, Kauai.

(35 Signatures)

March 1, 1909.

The Petition was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Knudsen presented the Report (No. 45) of the Committee on Judiciary on Senate Resolution No. 31, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 5, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Resolution No. 31, relating to Request that Clerks of several Circuit Courts report all probate cases and matters pending and undetermined, begs leave to report as follows:

Your Committee has received reports from the 1st, 2nd, 3rd, 4th and 5th Circuits, and has found the state of the several dockets to be as follows:

In the 1st Circuit there are 28 cases pending—

4 date back to 1902
4 date back to 1903
6 date back to 1904
7 date back to 1905
1 date back to 1906
6 date back to 1907

All but one show that nothing has been done in the cases except the appointing of the administrators. In some no inventories have been filed.

One case in particular seems strange. The administrator was appointed July 9, 1904, and ordered to file an inventory within 30 days. No inventory has been filed though the administrator has seemingly had plenty of time in which to have done so.

In the 2nd Circuit, 36 Probate Cases are still in the docket, divided as follows:

1888	1
1904	2
1905	6
1906	11
1907	8
1908	8

In the case dated 1888, filed over 20 years ago, some action has been had in 1905, since when nothing more appears to have been done. The 35 other cases show nothing.

In the case dated 1903 nothing appears to have been done until July 7, 1908, when somebody evidently woke up and asked for a final accounting which was ordered filed in 10 days. Over 236 days have passed since then, and no further acts seem to have been filed. Orders of court seem to be of small importance.

In the 3rd Circuit there are 39 cases on the docket distributed over the years as follows:

6 in	1901
1 in	1902
3 in	1903
5 in	1904
2 in	1905
6 in	1906
8 in	1907
8 in	1908

In one case final accounts had been filed.

In two cases, letters of administration had not issued.

In six cases there were some signs of life, but in 30 cases the records do not show that any action has been had in them since the administrators were appointed.

In the 4th Circuit, 15 cases are in the docket. All but two seem to be receiving some attention. In one, the attorney is trying to find the administrator. In the other the administrator was ordered to file an inventory in 30 days from December 1, 1906, but so far nothing has been heard from him.

In the 5th Circuit, only one case is left pending, entered September 24, 1908, hearing November 5, 1908, and continued owing to inability of counsel for petitioner to be present to 13th of January, 1909. This case is very recent but shows that the Court is following up the case promptly.

Though this Committee is unable to enter into the merits of these cases, and as they are of a private matter and no law gives the Attorney General's Department the right to inquire into the reasons why these cases are so long pending, or why these various court orders seem to have been treated so slightly, yet your Committee believes that some good may come of this investigation, and your Committee urges the various Circuit Judges to make a close investigation of all probate cases pending, as your Committee is convinced that many of these cases should have been settled long ago.

The Committee further recommends that a copy of this Report be sent to each of the Circuit Judges of the Second, Third, Fourth and Fifth Circuits, and one to the First Judge of the First Circuit.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 46) of the Committee on Judiciary on House Bill No. 37, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 4, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 37, entitled “An Act to Amend Chapter 14 of the Revised Laws of Hawaii, Relating to ‘Taxation, Educational and Judicial Districts,’ ” begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of the Bill is to amend Paragraph 3 of Section 125 of the Revised Laws by striking out all of the words after “Puna”, beginning “but for, etc.”

As the Ahupunaas of Olaa and Keaau belong to Puna and are much more easily administered by the officers of Puna, your Committee can see no reason why they should be a part of South Hilo District, and so recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator McCarthy moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Brown and carried.

Senator Knudsen presented the Report (No. 47) of the Committee on Judiciary on House Bill No. 20, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 4, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 20, entitled “An Act to Amend Section 2816 of the Revised Laws of Hawaii,” begs leave to report that it has had the same under careful consideration.

The object of the Bill is to give the Judge of the Court discretion to grant a fee not to exceed One Hundred Dollars (\$100) to any lawyer who has been assigned by the Court to defend some impecunious criminal.

As a rule young lawyers are only too glad to be assigned to cases, as the experience and free advertising they thus get more than repays them for their time or trouble.

In some of the outlying Circuits, however, this custom of

assigning Counsel has acted as a hardship and in those cases a fee might properly be paid.

The power to grant this fee should be limited however to the Judge of the Circuit Court before whom the case is actually tried, so your Committee has amended the Bill in that particular so as to read as follows:

“Section 2816. Assignment of Counsel for Defense. In all cases of felony in which the party accused is unable to employ Counsel for his defense, the Judge of the Circuit Court before whom the case is to be heard may assign Counsel from among the licensed practitioners at a fee of no more than One Hundred Dollars (\$100.00), discretionary with the Court, to be paid by the Territory of Hawaii, who shall use every lawful exertion in his behalf upon pain of contempt to the Court.”

With this amendment your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Fairchild and carried.

Senator Knudsen presented the Report (No. 48) of the Committee on Judiciary on Senate Bill No. 48, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 4, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 48 entitled “An Act to Repeal Section 259 of the Revised Laws, Relating to Covenants for Renewal at Auction of certain Government Leases,” begs leave to report as follows:

This Section forms a part of Chapter 21 of the Revised Laws, which Chapter authorizes the Superintendent of Public Works, with the approval of the Governor, to lease government lands under his control in accordance with certain prescribed conditions. The particular Section under consideration briefly summarized, requires that a covenant be inserted in every such

lease to renew the same upon request of the Lessee unless the premises covered by the lease are desired for "public uses" of which proposed uses the Lessee must be given notice at least one year prior to the expiration of his term. The repeal of this Section would relieve the Superintendent of Public Works of the obligation to insert in such leases such covenant and would also take from him power to do so. To this extent therefore his powers and duties with regard to certain government lands under his control would be altered.

Section 55 of the Organic Act provides that the Legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and Laws of the United States locally applicable unless some provision of such laws forbids either in express terms or any necessary implication the proposed action, it must be concluded that the Section under consideration may be repealed for it is obviously a "rightful subject of legislation" to repeal a statute which prevents the Territory from handling in the most beneficial manner certain property over which it exercises control under the authority of Section 91 of the Organic Act. The only Federal laws bearing upon the question and which it is necessary to consider are Sections 73 and 75 of the Organic Act.

By Section 73 it is provided that "the laws of Hawaii relating to public lands * * * except as changed by this Act, shall continue in force until Congress shall otherwise provide." The same section provides further that "in said laws" the words "Commissioner of Public Lands" should be inserted in place of the words "Commissioners of Public Lands," "Agent of Public Lands," "Minister of the Interior" or their equivalents.

Section 75 provides that there shall be a Superintendent of Public Works who shall have "those of the powers and duties of the Minister of the Interior which relate to * * * buildings, parks and cemeteries and other grounds and lands now under the control and management of the Minister of the Interior * * * except as changed by this Act, and subject to modification by the Legislature."

It is apparent from a comparison of these two sections that either there is a clear difference between the lands designated as "public lands" in Section 73 and placed under the care and control of the Commissioner of Public Lands and those lands placed by Section 75 under the control of the Superintendent of Public Works, or else that there is a conflict between the two sections and the question would arise as to which would control. That there is no conflict has been settled by the Supreme Court in the case of *Holloway v. Pratt*, 17 Haw. 539, and in the same case as well as in Section 262 of the Revised Laws and in the foot note on page 169 of the Revised Laws the distinction is

clearly pointed out between those lands properly designated as public lands and those placed under the control of the Superintendent of Public Works, sometimes called government lands. Briefly stated the distinction is this: the lands intended and suitable for agricultural pursuits and settlement are those described as "public lands," while the lands intended and suitable only for parks, sites of public buildings, reservoirs, streets and other public uses including town lots are those described as "government lands." This latter class of lands was never under the control of the predecessors in office of the Commissioner of Public Lands, but was handled by the former Minister of the Interior. The reservation by Congress in Section 73 of the Organic Act of the sole right to alter the "laws of Hawaii relating to public lands" applies therefore only to the laws respecting the lands above defined as "public lands" and does not extend to the laws under which the former Minister of the Interior exercised control over the "government lands." Regarding this latter class of lands Congress in Section 75, has authorized the Legislature to modify the powers and duties of the Officer in whose control such lands are placed.

The conclusion to be drawn is that not only is there no prohibition of legislation modifying the powers and duties of the Superintendent of Public Works with regard to lands under his control and management, but on the contrary authority to make such modification has been conferred by Congress on the Legislature, and, therefore, the proposed repeal can legally be made.

Your Committee believes that the Section should be repealed as it only forces a perpetual lean on the Government, thereby tying up the lands of the Territory and preventing the Government from making more advantageous uses of the lands held by it.

Your Committee therefore recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Quinn and carried.

Senator Knudsen on behalf of the Committee on Judiciary asked leave to return Communication (No. 6) from J. K. Kallaniana'ole, Delegate to Congress, to the Senate, the matter having been disposed of by the passing of a Bill. Granted.

Senator McCarthy for the Select Committee on Election Laws asked for further time within which to report on matters referred to such Committee. Granted.

The Senate proceeded with the Order of the Day.

Second Reading of House Bill No. 32 entitled "An Act Relating to Transcripts of Evidence in Felony Cases."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 37 entitled "An Act to Amend Chapter 14 of the Revised Laws of Hawaii, Relating to 'Taxation, Educational and Judicial Districts'."

Senator Coelho moved that the Bill pass Second Reading. Seconded by Senator Knudsen.

Senator Robinson moved that action on the Bill be postponed until Saturday, March 6th, 1909. Seconded by Senator Brown and carried.

Second Reading of House Bill No. 20 entitled "An Act to Amend Section 2816 of the Revised Laws of Hawaii."

The President here called the Vice-President to the Chair.

Senator Smith moved that action on the Bill be deferred until Saturday, March 6th, 1909. Seconded by Senator Quinn and carried.

Second Reading of Senate Bill No. 48 entitled "An Act to Repeal Section 259 of the Revised Laws, Relating to Covenants for Renewal at Auction of certain Government Leases."

Upon motion of Senator McCarthy, seconded by Senator Knudsen, the Report of the Committee on the Bill was adopted.

A Communication (No. 57) from the House of Representatives, transmitting House Bill No. 6, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 5th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 6, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 6 entitled "An Act to Alter the Boundaries of the Senatorial Districts of the Territory of Hawaii by Dividing the same into Five Senatorial Districts and to apportion the Senators to be elected therefrom."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Kalama, passed First Reading.

A Communication (No. 58) from the House of Representatives, transmitting House Bill No. 13, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 5th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 13, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 13 entitled "An Act to Amend Section 2625 of the Revised Laws of Hawaii, Amended by Section 2 of Act 98 of the Session Laws of 1905, Relating to Foreign Corporations."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Kalama, passed First Reading.

A Communication (No. 11) from Jas. W. Pratt, Commissioner of Public Lands, replying to Senate Resolution No. 6, was read by the Clerk as follows:

TERRITORY OF HAWAII.

COMMISSION OF PUBLIC LANDS.

Honolulu, March 3, 1909.

The Honorable the Senate of the Territory of Hawaii,
Honolulu, T. H.

Gentlemen:—In response to the following Resolution:

"RESOLUTION.

RESOLVED: That the Commissioner of Public Lands be, and he is hereby requested to forthwith send to the Senate a full list of all written and verbal applications for the lands known as Keaau, on Oahu, and Hukiaa, Kokoiki, Opihipau and Kealahewa, on Hawaii, which are filed in his office and which were made to him, whether the same were made by individuals or corporations, stating those granted and those not granted, and giving reasons for not granting them; and

RESOLVED FURTHER: That he submit with said lists copies of all correspondence relative to them, together with the Governor's instructions concerning the same."

I beg to state:

FIRST. Regarding the land of Keaau, on Oahu.

That I received an application for the purchase of the makai portion of this land consisting of 530 acres, on September 28, 1905. That I presented the application to the Governor, and that the Governor declined to approve of the sale.

I enclose a copy of the said application.

On January 26, 1907, I received an application to have the premises set apart for homestead purposes. This application was signed by seven citizens and residents of Honolulu.

The land was surveyed and sub-divided and the maps received at this office on February 7th, 1908. It has not been finally decided how these lands will be disposed of.

I am enclosing herewith a copy of the petition to have the land set apart, and also a copy of the Government Surveyor's report which accompanied the map to this office.

SECOND. Regarding the Kohala Lands, I would state, that on October 2nd, 1905, I received an application to have a portion of these lands put up at auction.

A copy of this application is enclosed.

On October 9th, 1905, I received an offer of Thirty Dollars per acre for the lands, provided they were put up at public auction.

A copy of this letter is enclosed, together with my answer to the same.

About the same date, I received a verbal offer from the owners of some forest land in the Kohala Mountains, to exchange said forest land for the Kohala land under consideration, together with other lands in the neighborhood. This offer was referred to the Board of Agriculture and Forestry, but the complications were so many that after extended discussion, and consideration, the exchange was finally dropped.

On October 13th, 1905, I received another request for information regarding the premises, a copy of which request I enclose herewith, and which was answered verbally on the 16th, stat-

ing that there were five pieces of land, amounting to 1,402 acres, which should all be sold if fair upset was offered.

On October 30th, 1905, I received another offer on behalf of Mr. John Hind, wherein specific price per acre was offered for the various lands under consideration. A copy of this last offer is also enclosed herewith.

About this same time, the matter of settlement of the land was taken up upon verbal applications from a number of people, the prime movers being men employed, or who had been employed on the Kohala Ditch in the District. These had no ultimate result however, other than delaying generally all consideration of the sale of the land. Newspaper mention at that time of these proposed applications for the land and descriptions of the situation caused the receipt of many letters from the mainland regarding the District and enquiries as to its possibilities.

This carried the handling of this land over to 1906.

Copies of letters referring to the above matter are also enclosed.

The matter was again taken up with Governor Carter in August, 1906, and it was practically decided to sell a portion of the Kohala land, reserving a portion for settlement purposes.

Copies of correspondence regarding this matter are also enclosed.

In the meantime, Mr. Hind has surrendered lease to a portion of the land of Kehei, and this was cut up for settlement purposes, it being expected that this land would satisfy the demand of applicants at that time looking for land in Kohala. A portion only, of the lots opened at Kehei, were taken by settlers, the other applicants failing to come forward when the lots were advertised open. The above lands of Kehei were opened on May 11, 1907.

As you know, it was about this time that they were to change the Administration; Governor Carter was preparing to retire and Governor Frear to assume the Governorship.

About March, 1908, John T. Baker, Esq., and Mr. Le Blonde of Berkeley, California, made a verbal proposition to settle all these lands under the homestead act, the purpose being the cultivation and canning of pineapples. Mr. Baker went to California with the idea of interesting capital to be used in the development and planting of the land, and the erection of canneries, and I attended a meeting held by Mr. Baker and interested parties in Berkeley, in May, 1908. Later Mr. Baker, accompanied by Mr. Le Blonde, who represented the California capital, came to the islands and visited this and other land which seemed to be suitable for pineapple planting. The inspec-

tion and investigation by Mr. Le Blonde did not appear, however, to be satisfactory, and the capital was not secured.

In the meantime, in August, 1907, an application was made on behalf of Mr. E. J. Gay, for a lease of a portion of the premises for grazing purposes. The offer of rental was considered too low and the application was rejected.

Copy of the above correspondence is enclosed herewith.

Again in August, 1908, Mr. John Hind made an application for a lease of the lands, offering a rental of about One Dollar and Twenty-seven Cents an acre for a ten-year lease. This offer was received during my absence and upon my return, I declined to rent the land at that rate, considering that the offer was too low, the average value of the land being about Forty-five Dollars per acre, the rental should be not less than an average of about Three Dollars and Fifteen Cents per acre per annum. The lands are mostly within the water area served by the Kohala Ditch Company, and settlers would have special rights to obtain water from this source.

As there has been some dispute as to the rights of homesteaders to water from the Kohala Ditch, I would quote the following:

“KOHALA DITCH LICENSE.

SECTION 13.

DELIVERY OF WATER.—The licensee shall furnish water to all consumers demanding the same from the ditches, flumes, reservoirs and tunnels, constructed for the conservation or conveyance of said water, giving preference first, to private parties, for domestic purposes, and uses, second, to homesteaders for agricultural purposes, and third, for agricultural purposes in general.”

The above, I believe to be and submit as a full history of applications for the lands of Keaau and the Kohala Agricultural-Pastoral lands named in the first mentioned Resolution.

Respectfully submitted,

JAS. W. PRATT,

Commissioner of Public Lands of the Territory of Hawaii.

(COPY)

Honolulu, Oahu, September 28, 1908.

J. W. Pratt, Esq.,
Commissioner of Public Lands,
Honolulu, Oahu.

Dear Sir:—I hereby make application for the purchase of a portion of the Government land known as Keaau situate in the District of Waianae, Island of Oahu, and submit herewith a plan showing the portion thereof that I desire to purchase, containing an area of 530 acres, more or less.

I hereby offer you the sum of \$4.00 per acre as an upset price. Trusting that this matter will be given your early attention,

I am, very respectfully yours,

(Signed) L. L. McCANDLESS.

(COPY)

Honolulu, T. H., January 26, 1907.

James W. Pratt,
Commissioner of Public Lands,
Honolulu.

Sir:—We, the undersigned, citizens and tax-payers in the Territory of Hawaii, hereby respectfully make application for that certain Government Land known as "Keau" in the District of Waianae, Island of Oahu, which will be hereafter set apart for Homestead purposes, or which ever the Government may see fit to dispose said land.

Hoping this will meet with your approval,

We remain,

Very respectfully yours,

(Signed) A. G. KANNEGIESSER, 1352 E. King St.
H. ROBERTSON, 113 Kukui St.
ABR. K. KEKAI, 1650 Myer St.
WILLIAM K. RATHBURN, 896 N. King St.
P. SILVA, Honolulu.
SAMUEL WM. SPENCER, 1102 Kawa Lane.
H. A. JUEN, Post Office Box 709.

(COPY)

Honolulu, T. H., February 7th, 1908.

Jas. W. Pratt, Esq.,
Commissioner of Public Lands,
Honolulu.

Sir:—Under separate cover, I am sending you the tracing of the Kēaau Homestead Subdivision, Waianae, Oahu.

The proposed 40 foot road through this subdivision has been laid out to the best possible advantage, yet to build this road will be a very expensive undertaking. The section from the railroad track to the makai boundary of Lot 5 can be built at a fair cost. I would therefore suggest to you the advisability of throwing Lots 1, 2, 3, 4 and 5 into one piece thereby avoiding a long piece of costly road.

The boundary, according to the description of survey in the Royal Patent (as shown in pencil), of the land of Ohikilolo, owned by Mr. L. L. McCandless, is a little different from the line as now fenced. The difference is so slight that I would suggest that the fence line be adopted as the boundary. It is a substantially built fence and Mr. McCandless has expressed a willingness to accept this boundary. Should you wish a description of survey of the fenced line to embody in any agreement, we will be pleased to furnish it to you.

In Lot 6, a 20 foot road has been reserved out of the lot for a right-of-way to the kuleanas adjoining.

In Lots 7 and 8, 20 foot roads have been reserved for rights-of-way into the valleys in the Forest Reserve mauka.

The Government main road (50 feet wide), has been laid out parallel to and mauka of the O. R. & L. Co. right-of-way and the subdivision fronts on this road. Near the bridge, however, and in front of Lots 7 and 8 is a boggy place, and the present road avoids this and runs mauka and around it. For the present it is advisable to retain the old roadway at this section, and for this reason, the lines and areas are as shown on the tracing.

Very respectfully,

(Signed) WALTER E. WALL,
Surveyor.

(COPY)

Honolulu, October 2, 1905.

J. W. Pratt, Esq.,
Commissioner of Public Lands, Territory of Hawaii,
Honolulu.

Dear Sir:—On behalf of Mr. John Hind we desire to make application for a sale at public auction of the Government lands known as Opihipau and Hukiaa, situate in North Kohala, and containing an area of 829 acres. These lands are at the present time under Government Lease to the Hind Estate or to Hawi Mill and Plantation Co. A portion of the same below Honoipu Road thought to contain about 650 acres have been sub-leased to the Kohala Sugar Co. A certain portion of the upper land is now under cultivation.

We would ask that you advise us at your earliest convenience whether or not the Government will entertain a proposition to put these lands up for sale at public auction at a fair upset price so that we can make the necessary arrangements to have the lease and sub-lease of the property cancelled.

Yours very truly,

(Signed) SMITH & LEWIS.

(COPY)

October 9th, 1905.

J. W. Pratt, Esq.,
Commissioner of Public Lands, T. H.,
Honolulu.

Dear Sir:—On behalf of John Hind we desire to state that if the lands of Opihipau and Hukiaa can be put up for sale at public auction according to law Mr. Hind will bid as high as \$30.00 per acre for said lands. In any event, before negotiations are made by the Government for the disposition of the aforesaid lands, we would consider it a favor that a proposition be made first to the Hind Estate and those interested therein, inasmuch as they have for many years leased the aforesaid lands from the Government.

Yours very truly,

(Signed) JOHN HIND,
Per SMITH & LEWIS.

(COPY)

Honolulu, October 13th, 1905.

Messrs. Smith & Lewis,
Attorneys for Jno. Hind, Esq.,
Honolulu.

Dear Sir:—I beg leave to acknowledge receipt of yours of 9th inst. offering \$30.00 per acre for lands of Opihipau and Hukiaa, Kohala, Hawaii.

While I cannot say this offer will be accepted as an upset price, as others are negotiating for possession of said lands, I will say that you will be informed before any deal is closed whereby these lands are transferred.

There are several pieces of land in this immediate neighborhood that I believe should be disposed of and I am ready to consider offers for same.

Yours very truly,

(Signed) JAS. W. PRATT,
Commissioner of Public Lands.

(COPY)

Honolulu, T. H., October 13th, 1905.

Mr. James W. Pratt,
Commissioner Public Lands,
Territory of Hawaii,
Honolulu, T. H.

Dear Sir:—Replying to your favor of the 13th inst., particularly to the latter part thereof wherein you state there are several pieces of land in the immediate neighborhood of the lands of Opihipau and Hukiaa, Kohala, Hawaii, which should be disposed of, we would consider it a favor if you will advise us at your earliest convenience as to the names of said lands and the acreage thereof.

Yours truly,

(Signed) SMITH & LEWIS.

(COPY)

Honolulu, T. H., October 30, 1905.

Hon. J. W. Pratt,
Commissioner of Public Lands,
Territory of Hawaii.

Dear Sir:—Replying to your inquiry as to sale of certain lands in the District of North Kohala, Island of Hawaii, we beg to

state in behalf of Mr. John Hind of Kohala that if he can be assured that any of the following lands will be offered for sale, he will make the following offers:

\$35.00	per acre	for 829	acres of	Opihipau and Hukiaa;
50.00	"	"	"	136.90 " " Hualua A and B;
40.00	"	"	"	137.60 " " " C;
45.00	"	"	"	455 " " Kahei mauka;
40.00	"	"	"	86 " " " makai.

Awaiting your response to the above offers, we beg to remain,

Very truly yours,

(Signed) SMITH & LEWIS.

(COPY)

NEWSPAPER CLIPPING.

AFTER KOHALA LANDS.

Secretary Atkinson has received a large number of letters from intending settlers in all parts of the mainland asking about conditions here, and making especial inquiry as to whether there are any government lands available near the Kohala ditch. The letters have been turned over to Land Commissioner Pratt, who is answering them. Of the 2,500 acres of government land on Kohala, which can be served from the ditch 2,000 acres is held on leases, which expire in 1907 or 1908, and the balance is on a lease under the terms of which it will revert to the Government in 1913.

(COPY)

Honolulu, July 14, 1906.

Hon. J. W. Pratt,
Land Commissioner, Territory of Hawaii,
City.

Dear Sir:—We enclose herewith clipping from Evening Bulletin of the 13th inst., relative to Kohala land, and desire to know whether the subject matter contained in the letters referred to will in any way change or delay the plans of your office to complete the surveys and cause the lands to be sold at public auction pursuant to the request of John Hind.

Yours very truly,

(Signed) SMITH & LEWIS.

(COPY)

Honolulu, July 17th, 1906.

Smith and Lewis,
Attorneys for Jno. Hind,
Honolulu.

Gentlemen:—In reply to your letter of 14th inst., asking “if inquiries, re Government lands near Kohala Ditch, from prospective settlers, will in any way change or delay surveys and proposed auction of said lands,” I will say that, as you know, it has been at all times the intention of the Government to retain a portion of said land for settlement purposes. Whether these inquiries will have effect of enlarging the area reserved is a question that I cannot answer until the surveys are completed and the whole matter is placed before the Governor.

Very truly yours,

(Signed) JAS. W. PRATT,
Commissioner of Public Lands.

(COPY)

Honolulu, August 17th, 1906.

J. W. Pratt, Esq.,
Land Commissioner, T. H.,
Honolulu.

Dear Sir:—Last Monday Mr. John Hind and our Mr. Lewis conferred with Governor Carter relative to the Kohala land transaction, concerning which we have written you heretofore. The Governor was desirous that the matter be settled as soon as possible and was about to wire to you to stop off at Mahukona on your way from Hilo, but on second thought stated that perhaps it would be desirable for you to return to Honolulu before going to Kohala. He therefore did not wire to you, but stated that immediately upon your return to Honolulu he would confer with you and advise that you take the first opportunity of going to Kohala before taking up other business. The whole situation was placed before the Governor and he understands the matters thoroughly. We would therefore urge you to take the surveyor with you and have the boundary line between Kabei and Kaahuhu settled while you are there. This matter has been pending, as you know, for over a year, and we trust that you will use every endeavor to hasten the conclusion of the same.

Very truly yours,

(Signed) SMITH & LEWIS.

(COPY)

Honolulu, December 29, 1906.

Mr. J. W. Pratt,
Land Commissioner,
Honolulu.

Dear Sir:—We enclose herewith extract of letter from John Hind relative to sale of Opihipau and Hukiaa at public auction. We would ask to be advised as to the status of this matter and will be obliged if you will advise us in the near future. The extract from said letter is as follows:

"I wonder if it will be worth while seeing Mr. Pratt again about Opihipau and Hukiaa? When Mr. Pratt was in the district looking into the proposition, I offered to relinquish lease on upper portion of Kehei, makai of road to Waimea containing about 120 acres, and about 70 acres of Opihipau and Hukiaa mauka of road to Mahukona and Honoipu, and asked that the portion of Opihipau and Hukiaa makai of this road be put up at auction. Mr. Pratt expressed himself as quite agreeable, but was not certain what area would suit each homesteader. I promised to start the homesteaders going, but was disappointed to find they were not even interested enough to write him, though a few of them promised me they would do so. I have already sacrificed considerable in this connection, by not ratoon-ing this portion of Kahei, supposing at the time the matter would be hurried along."

Yours very truly,

(Signed) SMITH & LEWIS,
Attorneys for John Hind.

(COPY)

Honolulu, T. H., August 29, 1907.

Mr. J. W. Pratt,
Commissioner of Public Lands,
City.

Sir:—On behalf of Mr. Eric J. Gay, of Kohala, Hawaii, I herewith present his application for a lease of the land of Opihipau in Kohala.

Mr. Gay is a practical ranchman and desires the land for stock-raising.

Yours respectfully,

(Signed) W. O. SMITH.

(COPY)

Honolulu, T. H., August 29, 1907.

Mr. J. W. Pratt,
Commissioner of Public Lands,
City.

Sir:—I hereby make application for a twenty-one year lease of that certain tract of grazing land known as Opihipau in Kohala, Hawaii, containing an area of six hundred ninety-two and six-tenths (692.6) acres lying makai of the public road; and offer the rental of seventy-five (75) cents per acre per annum for the same.

I desire to obtain this land for the purpose of stock-raising under the conditions usual in such cases.

Respectfully yours,

(Signed) E. J. GAY.

(COPY)

August 30, 1907.

Honorable W. O. Smith,
Honolulu.

Sir:—I beg to acknowledge receipt of your favor of the 29th inst., inclosing an application from Mr. E. J. Gay of Kohala, Hawaii, for a lease of 692.6 acres of the land of Opihipau, Kohala, to be used for grazing purposes.

I will take this matter up with the Governor today if possible; if not today, at the earliest opportunity.

I will state, however, that Mr. John Hind has made an offer to purchase this land at the rate of \$35.00 per acre, and that that offer will go before Governor Frear together with Mr. Gay's offer.

You will realize, of course, that if the land is worth, at a sale \$35.00 per acre as an upset price, the offer of Mr. Gay of \$.75 per acre rental would not be adequate.

Very truly yours,

(Signed) JAS. W. PRATT,
Commissioner of Public Lands.

(COPY)

September 3, 1907.

Honorable W. O. Smith,
Honolulu.

Sir:—On August 30th I acknowledged receipt of your favor of August 29th, wherein you transmit an application from Mr. E. J. Gay for lease of the land of Opihipau, in Kohala, Hawaii.

At that time I stated that I would take the matter up with the Governor at the earliest opportunity. I have been able to place the matter before the Governor and as the land applied for by Mr. Gay is to a large extent, if not all, capable of cultivation, it is hoped that the agricultural people of Kohala will pay a rent for this land considerably in excess of that offered by Mr. Gay. It is therefore necessary to decline Mr. Gay's offer to lease this land for grazing purposes.

I would, however, respectfully call your attention to the fact that we have a tract of 1385 acres of land suitable for grazing purposes and unleased lying just South of Mahukona Harbor, and extending from the sea to the Waimea Road.

I should be very glad to receive an offer for this land for grazing purposes.

Very truly yours,
(Signed) JAS. W. PRATT,
Commissioner of Public Lands.

(COPY)

Honolulu, September 1, 1906.

J. W. Pratt, Esq.,
Commissioner of Public Lands,
Honolulu.

Dear Sir:—We have received a letter from Mr. John Hind relative to Kohala lands. In reply to your inquiry as to choice of lands for plantation purposes, Mr. Hind makes the following suggestions:

1. Opihipau and Hukiaa
2. Kahei
3. Hualua

Regarding lands for settlement purposes, Mr. Hind states:

"I should say that the easterly or mauka portions of Kaahuhu lands would be the best, next would be the upper portions of Kahei, though some might prefer a section of this along a Government Road. Other lands I do not believe would be satisfactory for settlement purposes."

Yours very truly,
(Signed) SMITH & LEWIS.

(COPY)

Honolulu, September 4th, 1906.

Smith and Lewis,
Judd Building,
Honolulu.

Gentlemen:—I beg to acknowledge receipt of your favor of 1st inst. re Kohala lands applied for by Mr. John Hind. I note the choice of lands and also recommendations regarding portions that should be reserved for settlement purposes.

Very truly yours,
(Signed) JAS. W. PRATT,
Commissioner of Public Lands.

(COPY)

Kohala, Hawaii, August 7th, 1908.

Mr. Jas. W. Pratt,
Commissioner of Public Lands,
Honolulu, Oahu.

Dear Sir:—I respectfully ask that the following lands be put up for lease, say 10 years, for which I beg to offer upset annual rental:

Land of Opihipau, 449 acres, rental \$314.00.

Land of Kahei (Makai), 86 acres, rental \$100.00.

Land of Kahei (Mauka), 307 acres, rental \$614 00.

Land of Hualua, A, B, and C, 275 acres, rental \$329.00.

Trusting the lands may be offered at an early date,
I remain,

Yours very truly,
(Signed) JNO. HIND,
for Hawi Mill & Plant. Co.

(COPY)

August 11, 1908.

John Hind, Esq.,
Kohala, Hawaii.

Dear Sir:—I beg to acknowledge receipt of your favor of the 7th inst., wherein you request that the lands of Opihipau, 449 acres, Kahei (Makai), 86 acres; Kahei (Mauka), 307 acres; and Hualua, A, B and C, 275 acres; be put up for lease.

Owing to the absence of the Commissioner of Public Lands, J. W. Pratt, Esq., your request will be placed on file to wait his

return from the mainland in September, at which time the matter will receive his attention.

Very respectfully yours,
(Signed) J. D. TUCKER,
Secretary.

(COPY)

September 22, 1908.

Mr. John Hind,
Kohala, Hawaii.

Dear Sir:—In reply to your favor of August 7th, wherein you make certain offers of upset annual rental for several pieces of unoccupied North Kohala Government land, I would state that the rentals offered are considered inadequate, but that a final decision will be given in this matter after the Governor's visit to Kohala which will take place about two weeks hence.

Very truly yours,
(Signed) JAS. W. PRATT,
Commissioner of Public Lands.

Upon motion of Senator Kalama, seconded by Senator Harvey, the Communication was referred to the Committee on Enrollment, Revision and Printing.

At 11 o'clock, upon motion of Senator Coelho, seconded by Senator Kalama, the Senate took a recess until 2 o'clock.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 12) from E. A. Mott-Smith, Secretary of Hawaii, relative to the Printing of the Journal of the Senate, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 5, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Dear Sir:—Since it is made my duty, under Section 69 Organic

Act, to preserve and record the proceedings of the Legislature may I ask you to have a copy of the full minutes of the Senate as they are made up from time to time sent to my office signed by the clerk and approved by yourself, in addition to the skeleton minutes which the clerk of the Senate is now kindly furnishing to me and which I find very useful in keeping my record up to date.

I respectfully suggest that the journal be printed contemporaneously with the final completion from time to time of the minutes, so that there may be no difficulty in transmitting the same to the designated authorities in Washington within the time prescribed by the Organic Act.

In regard to purchases and contracts for supplies or services I beg to call your attention to the Revised Statutes of the United States Section 3709 et. seq. and to state that a copy of all contracts should when made be filed in my office for transmission to the Auditor in Washington.

Respectfully submitted,

E. A. MOTT-SMITH.

Secretary of Hawaii and Special Disbursing Agent,
U. S. Treasury Department.

The Communication was referred to the Committee on Ways and Means.

Under suspension of the Rules, Senator McCarthy gave notice of intention to introduce a Bill entitled "An Act to Provide for the Registration of Voters."

Senator McCarthy introduced a Bill (S. B. No. 73) entitled "An Act to Provide for the Registration of Voters."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

Senator Brown gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1150 of the Revised Laws of Hawaii."

Senator Brown introduced a Bill (S. B. No. 74) entitled "An Act to Amend Section 1150 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Brown presented the Report (No. 49) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 66, 67, 68 and 69 as follows:

Honolulu, T. H., March 5, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 66, 67, 68 and 69 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Second Reading of Senate Bill No. 66 entitled "An Act to Provide for the Construction and Repair of Sidewalks, and the Payment of the Cost thereof."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of Senate Bill 67 entitled "An Act to Amend Chapter 37 of the Revised Laws of Hawaii, Relating to Game, by Adding two New Sections to said Chapter to be known as 'Section 459A' and 'Section 459B'."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 68 entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws as Amended by Acts 34 and 37 respectively of the Laws of 1905, and as further Amended by Act 50 of the Session Laws of 1907."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 69 entitled "An Act Relating to Contracts for Supplies to the Territory or any Sub-division thereof."

Referred to the Committee on Judiciary.

At 2:12 o'clock, upon motion of Senator Coelho, seconded by Senator Brown, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTEENTH DAY.

Saturday, March 6th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Fourteenth Day was read and, upon motion of Senator Robinson, seconded by Senator Moore, approved as read.

A Communication (No. 59) from the House of Representatives, transmitting House Bill No. 61, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 6, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to submit herewith House Bill No. 61, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 61 entitled "An Act to Authorize Certain Public Officials to Designate Persons to Act in their Absence and to define the Powers of Persons so Designated."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 17) from John K. Kai, County Clerk, County of Hawaii, transmitting copy of Report of the Board of Supervisors of the County of Hawaii, was read by the Clerk as follows:

OFFICE OF COUNTY CLERK, COUNTY OF HAWAII.

Hilo, Hawaii, March 4, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—In pursuance of an order by the Board of Supervisors in and for the County of Hawaii, Territory of Hawaii, I have the honor to herewith transmit a copy of a report which was adopted by the Board of Supervisors at their regular meeting, held in the City of Hilo, County of Hawaii, on the 3rd day of March, A. D. 1909.

Yours respectfully,

JOHN K. KAI,
County Clerk, County of Hawaii.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—In conformity with a resolution passed by the Senate May 1, 1907, requesting the Board of Supervisors of each County, "to prepare and have their respective reports ready for submission to the Legislature of 1909 on the first day of February, 1909, or as soon thereafter as practicable," I beg leave to report that for the period ending December 31, 1908, the Board of Supervisors of the County of Hawaii held 71 meetings and one special meeting; received and considered 268 communications of public nature; 100 petitions for public improvements and positions; 22 applications for positions; offered and adopted 80 resolutions; 37 resolutions bearing on matters other than appropriation; received and adopted 109 reports of committees of the Board of Supervisors; passed 8 ordinances, relative to mileage fees, registration of motor cars, hack stands and construction, repair and alteration of buildings in the town of Hilo, etc.; approved 31 bonds for County Officers, County appointees and contracts awarded; received and placed on file 31 reports of County Auditor and County Treasurer, relative to the financial condition of the County; also 31 reports of County Sheriff and County Attorney on criminal cases, fines, bail forfeited, monies received and remitted, and motor car fees; approved and ordered paid the following accounts:

Passed 11,365 Road Vouchers, amounting to.....	\$263,989.57
Passed 4,131 General Vouchers, amounting to.....	217,595.17
Transferred to Kau Lava Flow Roads.....	4,000.00
Transferred to Road Funds.....	187,697.25

The present force in the Department of the County Clerk is as follows:

1 County Clerk.
 1 Deputy County Clerk.
 2 Assistant Clerks.
 1 Janitor and Messenger.

Enclosed herewith are copies of the Reports of the County Auditor, County of Hawaii, showing receipts and disbursements of the County for the biennial period ending December 31, 1908.

Respectfully submitted,

JOHN K. KAI,
 Clerk, County of Hawaii..

RECEIPTS AND DISBURSEMENTS, 1907.

Receipts 12 Months Ending December 31, 1907:

Received from Territory of Hawaii.....	\$189,236.07
County Realizations	270.55
Total receipts 1907.....	<u>\$189,506.62</u>

Disbursements 12 Months Ending December 31, 1907:

Transferred to Road Tax Special Deposit.	\$65,554.99
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County Treasurer:

Pay of Treasurer.....	\$ 2,000.00	
Pay of Deputy	375.00	
Pay of Clerk	350.25	2,725.25

County Auditor:

Pay of Auditor	2,000.00	
Pay of Clerk	648.50	2,648.50

County Attorney:

Pay of County Attorney.....	2,400.00	
Pay of Deputy County Attorney	1,500.00	
Pay of Clerk.....	900.00	
Transportation of Insane Persons.	187.25	
Support of Witnesses	1,672.30	
Detective Fund.	75.90	6,735.45

County Clerk:

Pay of Clerk	1,200.00	
Pay of Deputy	320.00	
Pay 1st Assistant Clerk.....	634.00	
Pay 2nd Assistant Clerk.....	125.00	
Pay of 3rd Assistant Clerk....	330.00	
Pay of Janitor and Messenger.	430.00	
Pay of Interpreter	186.00	\$ 3,825.00

County Sheriff:

Pay of Sheriff	2,400.00	
Pay of Deputies	8,816.00	
Pay of Clerk	819.70	12,035.70

Police Department: :

Pay of Police, County of Hawaii.	32,166.75	
Pay of Coroners Jurors.....	542.80	
Pay of Prison Guards.....	479.20	
Support and Maintenance of Prisoners.	1,528.50	34,717.25

County Supervisors:

Pay of Supervisors	4,200.00	
Pay of Supervisors (mileage).	953.80	5,153.80

Miscellaneous Accounts:

Rent of County Offices.....	1,300.00	
Fish and Food Inspector.....	605.00	
Garbage.	65.75	
Leahi Home	206.00	
Support of Band	3,300.25	
Hilo Hospital.	601.25	
Telephone (Police and County Offices).	3,527.95	
Electric Lights	239.10	
Premium on Bonds	965.00	
Hilo Fire Department	669.23	

Maintenance of Parks	148.30		
Bridges and Culverts	5,397.00		
Kau Lava Flow	1,055.60		
Honolii Road.	504.50		
Road Machinery.	8,059.30		
County Office Incidentals	12,525.08	\$39,169.31	\$172,565.25

Excess receipts over disbursements.			\$ 16,941.37
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Respectfully submitted,

(Signed)

C. K. MAGUIRE,
Auditor, County of Hawaii.

RECEIPTS AND DISBURSEMENTS, 1908.

Receipts 12 Months Ending December 31, 1908:

Received from Territory of Hawaii.	\$214,524.85
County Realizations.	2,109.40
Total receipts 1908	\$216,634.25

Disbursements 12 Months Ending December 31, 1908:

Transferred to "Road Tax Special Deposit.	\$122,142.26
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County Treasurer:

Pay of Treasurer.	\$ 2,000.00	
Pay of Deputy.	900.00	2,900.00

County Auditor:

Pay of Auditor	2,000.00	
Pay of Clerk	720.00	2,720.00

County Attorney:

Pay of County Attorney.	2,400.00	
Pay of Deputy	1,500.00	
Pay of Clerk	711.00	
Transportation Insane Persons and Minors.	252.25	
Support of Witnesses	2,119.40	
Detective Fund	152.00	7,134.65

County Clerk:

Pay of Clerk	1,200.00	
Pay of Deputy	1,020.00	
Pay of 1st Assistant Clerk.....	720.00	
Pay of 2nd Assistant Clerk....	600.00	
Pay of 3rd Assistant Clerk.....	540.00	
Pay of Janitor and Messenger.	480.00	
Pay of Interpreter	180.00	4,740.00

County Sheriff:

Pay of Sheriff	2,400.00	
Pay of Deputies	8,884.15	
Pay of Clerk	840.00	12,124.15

Police Department:

Pay of Police County of Ha-		
waii.	33,154.56	
Pay of Coroners Jury.....	208.00	
Pay of Prison Guards.....	1,500.00	
Support and Maintenance of		
Prisoners.	1,947.50	36,810.06

County Supervisors:

Pay of Supervisors	4,200.00	
Pay of Supervisors (mileage)..	912.80	5,112.80

Miscellaneous Accounts:

Rent of County Offices.....	1,200.00		
Fish and Food Inspector.....	660.00		
Garbage.	69.00		
Support of Band	3,950.00		
Hilo Hospital.	500.00		
Road Machinery	8,395.31		
Election, 1908.	727.93		
Telephones (Police and County			
Offices).	3,557.50		
Electric Lights.	139.35		
Hilo.	46.00		
Hilo Fire Department	1,564.84		
Maintenance of Parks	262.60		
Kau Lava Flow Road.....	4,627.50		
County Offices Incidentals	12,084.62		
Honolii Road.	154.00	\$37,938.65	\$231,622.57

Excess disbursements over re-
ceipts.

\$ 14,988.32

Respectfully submitted,

C. K. MAGUIRE,
Auditor, County of Hawaii.

ROAD TAX SPECIAL DEPOSIT RECEIPTS AND DISBURSEMENTS, 1907.

Receipts 12 Months Ending December 31, 1907:

Received from Territory of Hawaii.....	\$ 34,354.00
Transferred from General Fund.....	65,554.99
County Realizations.	912.77
<hr/>	
Total receipts, 1907	\$100,821.76

Disbursements 12 Months Ending December 31, 1907:

South Hilo	Total Warrants Issued \$	39,026.00
North Hilo.	" " "	9,184.45
Hamakua.	" " "	35,168.49
North Kohala. . .	" " "	9,876.04
South Kohala . . .	" " "	3,625.93
North Kona.	" " "	9,904.74
South Kona.	" " "	9,063.06
Kau.	" " "	9,643.72
Puna.	" " "	14,002.83
Total warrants issued, 1907.....		\$139,495.26
<hr/>		
Excess disbursements.		\$ 38,673.50

ROAD TAX SPECIAL DEPOSIT RECEIPTS AND DISBURSEMENTS, 1908.

Receipts 12 Months Ending December 31, 1908:

Received from Territory of Hawaii.....	\$ 39,038.00
Transferred from General Fund.....	122,142.26
Realizations.	460.08
Kau Lava Flow	4,000.00
<hr/>	
Total receipts, 1908	\$165,640.34

Disbursements 12 Months Ending December 31, 1908:

South Hilo.	Total Warrants Issued \$	38,413.79
North Hilo.	" " "	10,358.22
Hamakua.	" " "	23,443.14
North Kohala	" " "	11,364.79
South Kohala	" " "	4,436.75
North Kona.	" " "	6,085.73

South Kona.	“	“	“	6,141.44	
Kau.	“	“	“	10,898.91	
Puna.	“	“	“	13,351.54	\$124,494.31

Excess receipts. \$ 41,146.03

Respectfully submitted,

(Signed)

C. K. MAGUIRE,
Auditor, County of Hawaii.

Upon motion of Senator Coelho, seconded by Senator Ma-
kekau, the Communication was ordered received and placed on
file.

Senator Brown presented the Report (No. 50) of the Com-
mittee on Enrollment, Revision and Printing on Senate Bill
No. 74 and House Bill No. 98, as follows:

Honolulu, T. H., March 6, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing
begs leave to report Senate Bill No. 74 and House Bill No.
98 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and
placed on file.

Senator Kalama presented the Report (No. 51) of the Com-
mittee on Public Lands, Internal Improvements, Agriculture,
etc., on Senate Bill No. 40, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands, etc., to whom was
referred Senate Bill No. 40, entitled “An Act to Amend Section

5 of Act 116 of the Session Laws of 1907 Relating to Hunting with Firearms," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to allow District Forester to issue permits for the hunting of wild hogs and goats, without first obtaining a license to hunt with firearms.

Your Committee feels that no valid, just or reasonable cause, has been shown which would justify the change contemplated, recommends that the same be laid on the table.

Respectfully submitted,

S. E. KALAMA,
Chairman;
ERIC A. KNUDSEN,
PALMER P. WOODS,

Upon motion of Senator Quinn, seconded by Senator Kalama, the Report of the Committee was adopted.

Senator Kalama presented the Report (No. 52) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Bill No. 57, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands, etc., to whom was referred Senate Bill No. 57, entitled "An Act to Provide for the Erection of a Government Building in Hilo, County of Hawaii, for the use of the Fourth Judicial Circuit Court and other Public Purposes," begs leave to report that it has had the same under careful consideration and would recommend the passage of this bill with the following amendment:

Insert after the word "purpose" in Section 1, line 4, the following words, "a government building".

The object of the bill is to provide for the erection of a government building in Hilo, County of Hawaii, for the use of the Fourth Judicial Circuit Court and other public purposes.

Respectfully submitted,

S. E. KALAMA,
Chairman;
ERIC A. KNUDSEN,
PALMER P. WOODS.

Senator Fairchild moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Kalama and carried.

Senator Fairchild presented the Report (No. 53) of the Committee on Ways and Means on House Bill No. 22, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 22, entitled "An Act to Amend Section 1418D of the Revised Laws of Hawaii as enacted by Section 1 Act 96 of the Session Laws of 1907, relating to licenses," begs leave to report that it has had the same under careful consideration.

The object of the bill is to amend that part of the license laws relating to licenses on fishermen.

Your Committee believes the object of the bill to be a good one and therefore recommends its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
JOHN T. BROWN.

Senator Fairchild moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Kalama and carried.

Senator Fairchild presented the Report (No. 54) of the Committee on Ways and Means on House Bill No. 16, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 16, entitled "An Act Exempting Cer-

tain Persons from the Payment of Poll, Road and School Tax," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to exempt from the payment of Road, Poll and School Tax, any male persons having six or more legitimate children under the age of eighteen years in his care and maintenance and receiving an income not exceeding Six Hundred Dollars (\$600.00).

Your Committee believes that under the present financial condition of the Territory and need for further appropriation for school purposes that the passage of this Bill, at the present time, would be very unwise, and therefore recommends that the same be laid upon the table.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.
W. J. COELHO,
JOHN T. BROWN.

Senator McCarthy moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Knudsen and carried.

Senator Fairchild presented the Report (No. 55) of the Committee on Ways and Means on House Bill No. 27, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 27, entitled "An Act to Reduce the Price of the Revised Laws of Hawaii," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to reduce the price of the Revised Laws of Hawaii and authorize the Secretary of the Territory to sell the same at Five Dollars per volume.

Your Committee believes the object of the Bill to be a good one and therefore recommends its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.
W. J. COELHO,
JOHN T. BROWN.

Senator Fairchild moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Quinn and carried.

Senator Kalama presented the Report (No. 56) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Concurrent Resolution No. 11, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands, &c., to whom was referred House Concurrent Resolution No. 11, Relating to Suspension of Coastwise Regulations, begs leave to report that they have had the same under careful consideration and recommends the adoption of the Resolution with the following amendment:

Strike out the following words in paragraph 3 of page 2 after the words "United States," "and to each of the members of the Senate and House of Representatives," and insert in lieu thereof the following, "President of the Senate, and the Speaker of the House of Representatives."

Respectfully submitted,
S. E. KALAMA,

Chairman.

ERIC A. KNUDSEN,
PALMER P. WOODS.

Senator Makekau moved that the Report of the Committee be laid on the table to be considered with the Resolution. Seconded by Senator Kalama and carried.


Senator Knudsen presented the Report (No. 57) of the Committee on Judiciary on House Bill No. 69, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 69, entitled "An Act to Amend Sections 2 and 7 of Act 100 of the Session Laws of 1905, Relating to Bonds



of Public Officers," begs leave to report that it has had the same under careful consideration.

Under a recent decision of the Supreme Court it was held that the bondsmen of minor officers could not be held responsible under the wording of Sections 2 and 7 of Act 100, Session Laws of 1905.

The object of this Bill is to so amend those sections as to meet the objections raised by the court.

The Bill seems to have been carefully drawn and your Committee recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Makekau moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Robinson and carried.

Senator Knudsen presented the Report (No. 58) of the Committee on Judiciary on Senate Resolution No. 34, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Resolution No. 34, Relation to Relief of the Clerk of the Judiciary Department, begs leave to report that it has had the same under careful consideration, and as to the facts in the case there seems to be no doubt.

the case there seems to be no doubt.

The firm of lawyers, employed by the litigants was styled Kinney, Ballou & McClanahan.

Your Committee cannot see where any responsibility rests upon them. Had the Petitioner discovered his error in time he no doubt could have obtained relief from the lawyers or their clients but after the money was paid over and the case settled there was no further responsibility on the lawyers and the clients are now protected by the Statute of Limitations should they choose to plead it.

There being a moral obligation on the clients to repay this amount, perhaps the clerk could persuade them to refund the amount, thus making good his cash balance. As to the relief prayed for here, the question is simply this, is the Territory under any obligation to make good to any of its employees, losses made by them through accidental mistakes? The answer is obviously no, even though in the present case a faithful servant is compelled to bear the loss.

Your Committee therefore recommends that the Resolution be tabled.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Coelho moved that consideration of the Report and Resolution be deferred until Wednesday, March 10th, 1909. Seconded by Senator Chillingworth.

Senator Knudsen moved as an amendment that the Report of the Committee be adopted. Seconded by Senator Makekau.

Senator Knudsen raised the point of order that a motion to defer to a day certain was not debatable, and that no amendment could be made thereto.

The Chair considered the point well taken, and declared the amendment to the motion out of order.

The motion to defer action on the Report and Resolution until Wednesday, March 10th, 1909, was then put and carried.

Senator Knudsen presented the Report (No. 59) of the Committee on Judiciary on House Bill No. 58, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,

President of the Senate,

Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 58, entitled "An Act to Repeal Act 64 of the Session Laws of 1905 as amended by Act 79 of the Session Laws of 1907, relating to the Issuance of Certificates of Hawaiian Birth," begs leave to report that it has had the same under careful consideration.

The Act which this bill wishes to repeal makes the Secretary of the Territory the person who has to issue certificates of Hawaiian Birth.

This duty comes more properly under the jurisdiction of the Federal Government and it is not right that the Secretary of the Territory should be burdened with a lot of work not properly within his line of work. Arrangements have already been made with the Federal Government to take over this work, so your Committee recommends that this Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Moore moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Coelho and carried.

Senator Knudsen presented the Report (No. 60) of the Committee on Judiciary on House Bill No. 5, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,

President of the Senate,

Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 5, entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances," begs leave to report that it has had the same under careful consideration.

Section 2504 of the Revised Laws, provides a penalty for anybody who fraudulently sells Registered Land, knowing at the time that there are encumbrances thereon.

There is nothing however in the statutes to protect an innocent purchaser of unregistered land.

Under the old common law the motto was "Caveat Emptor," putting all the risk on the purchaser to find out whether he was buying a good title or not.

This Practice has led to a great deal of abuse and many innocent persons have had to suffer through the dishonest methods of tricky real estate dealers.

Your Committee believes that dishonest vendors should be made to pay for their misdeeds, so recommends the passage of this Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Makekau and carried.

Senator Knudsen presented the Report (No. 61) of the Committee on Judiciary on Senate Bill No. 65, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 65, entitled "An Act to Amend Section 1637 of Chapter 113 of the Revised Laws of Hawaii," begs leave to report that it has had the same under careful consideration.

The first amendment sought by this Bill is to put the County of Kalawao into the First Circuit instead of the Second, it being much nearer and more in touch with the First Circuit.

The Second amendment takes Hamakua out of the Fourth Circuit and puts it in the Third Circuit, and takes Kau out of the Third Circuit and puts it in the Fourth Circuit with Puna.

Your Committee believes the amendments to be matters of convenience and therefore recommends its passage.

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Makekau moved that the Report of the Committee be laid on the table to be considered with the bill. Seconded by Senator Knudsen and carried.

Senator Knudsen presented the Report (No. 62) of the Committee on Judiciary on Senate Bill No. 37, as follows:

SENATE CHAMBER,

Honolulu, March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 37, entitled "An Act to Repeal Section 3018 of the Revised Laws, Relating to the Circulation of Commercial

Paper," begs leave to report that it has had the same under careful consideration.

Section 3018 makes it a misdemeanor for any person or corporation to issue any note, check, bill or certificate of deposit with the intent that it shall be circulated as currency.

This law was passed in 1888 and your Committee is unable to find any reasons why the law was passed and can see no reasons now why the law should be on the statute book. All mercantile paper is used as currency and takes the place of it in the business world. Every day this law is being broken, yet, no court or jury would think of enforcing it. Should another financial panic, such as was experienced in 1907, come again and the banks should wish to establish a Clearing House and issue Clearing House Certificates, a perfectly proper and in times of panic an absolutely necessary business arrangement, they would be blocked by this piece of foolish legislation.

Your Committee believes this section should be repealed and recommends that the bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Fairchild moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Quinn, and carried.

Senator Knudsen presented the Report (No. 63) of the Committee on Judiciary on Senate Resolution No. 32, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 5, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom Senate Resolution No. 32, Requesting the Attorney General to furnish certain information in re suit entitled "Wailuku Sugar Company vs. Marston Campbell, Superintendent of Public Works, et al," was referred, begs leave to report careful consideration of the same.

The Resolution calls upon the Attorney General to furnish the Senate with information as to what he intends to do in the case.

As the case is of large importance to the Territory and is now pending in the Court, it would be a very unwise thing for this

Senate to try and force the Attorney General to expose his hand at this early date, thereby giving the Attorneys for the Wailuku Sugar Company a decided advantage.

It appears further that the interests of the Government are properly safeguarded as the temporary injunction left things standing just as they were at that time. The Government has not yielded a single point.

Your Committee therefore recommends that this Resolution be tabled.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Coelho moved that action on the Report and the Resolution be deferred until Saturday, March 13th, 1909. Seconded by Senator Brown and carried.

Senator Woods presented the Report (No. 3) of the Select Committee of Hawaii Members on Senate Bill No. 11, as follows:

Honorable William O. Smith,
President of the Senate.

Sir:—Your Special Committee to whom Senate Bill Number 11 was referred, begs leave to report as follows:

The idea of the Bill is to divide the present County of Hawaii into two Counties, to wit: The Districts of Hamakua, South Hilo, North Hilo and Puna, to be called the County of East Hawaii; and the remaining Districts of the Island of Hawaii to be called the County of West Hawaii, with the County Seats at Hilo and Kailua respectively.

Your Special Committee have considered the Bill carefully and have agreed on the principle that the Island of Hawaii should be divided into two counties, but the division should be changed so that the Districts of North Hilo, South Hilo, Puna and Kau may be included in one County, and the remaining parts of the Island of Hawaii may be included in another County.

We further find out that the Bill as introduced in this House would be unworkable in many instances.

We, however, believe that for the convenience of the people who are living on the Island of Hawaii, the County of Hawaii should be divided into two counties; and we further find out that the income in each county as we divided them in the Substitute Bill would warrant us in passing a Bill to divide the Island of Hawaii into two Counties.

We draft a Substitute Bill which we believe is perfect in all parts. A copy of said Substitute Bill is hereto attached and made a part of this report.

We therefore recommend that Senate Bill Number 11 may be laid on the table, and the Substitute Bill may be passed.

Respectfully submitted,

PALMER P. WOODS,
Chairman.

DAVID K. BAKER,
R. H. MAKEKAU,
JOHN T. BROWN,
Special Committee.

Honolulu, March 6th, 1909.

Upon motion of Senator Makekau, seconded by Senator Knudsen, the Report of the Committee was adopted.

Senator Woods on behalf of the Select Committee of Hawaii Members introduced a Bill (S. B. No. 75) entitled "An Act to Divide the Present County of Hawaii into Two Counties and to Provide for the Government thereof."

The Bill was read by title and upon motion of Senator Makekau, seconded by Senator Harvey, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1 of Act 53 of the Laws of 1907, Relating to Witnesses' Fees and Mileage."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 76) entitled "An Act to Amend Section 1 of Act 53 of the Laws of 1907, Relating to Witnesses' Fees and Mileage."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 16 entitled "An Act Relating to Fishing in the Fisheries in the Sea Waters of the Territory of Hawaii."

Senator Chillingworth moved that the Report of the Committee on the Bill be adopted. Seconded by Senator Quinn.

Senator Coelho moved that the Bill pass Second Reading. Seconded by Senator Baker.

The motion to pass the Bill on Second Reading was then put and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Robinson and Woods—10.

Noes: Senators Chillingworth, Fairchild, Knudsen, Quinn and Mr. President—5.

Second Reading of House Bill No. 20 entitled "An Act to Amend Section 2816 of the Revised Laws of Hawaii."

The President here called the Vice-President to the Chair.

Senator Smith moved to amend Section 1 to read as follows:

"Section 1. Section 2816 of the Revised Laws of Hawaii is hereby amended to read as follows:

Section 2816. Assignment of Counsel for Defense. In any case of felony in which the party accused is unable to employ counsel for his defense, the Judge of the Circuit before whom the case is to be heard may assign him counsel from among the licensed practitioners, and in any case of special hardship may allow a fee of no more than One Hundred Dollars, discretionary with the Court, to be paid by the Territory of Hawaii. The practitioner so appointed shall use every lawful exertion in behalf of the party accused upon pain of contempt of court."

Seconded by Senator Quinn.

Senator Chillingworth moved to amend the amendment by striking out the words "The practitioner so appointed shall use every lawful exertion in behalf of the party accused upon pain of contempt of court" at the end thereof. Senator Smith accepted the amendment which carried.

Senator Robinson moved that the Bill pass Second Reading as amended. Seconded by Senator Woods and carried.

Second Reading of House Bill No. 37 entitled "An Act to Amend Chapter 14 of the Revised Laws of Hawaii, Relating to Taxation, Educational and Judicial Districts'."

Senator Coelho moved to strike out the word "Puu o Kata" in line 30 of Section 1 and the word "Puu o Kaha" in line 31 of Section 1, and insert in lieu thereof the words "Puu o Kaia" and "Puu o Koha." Seconded by Senator Makekau and carried.

Senator Robinson moved to insert the words "and the Island of Kahoolawe" after the words "Makawao District" in line 39 of Section 1. Seconded by Senator Coelho and carried.

Senator Coelho moved that the Bill pass Second Reading as amended. Seconded by Senator Makekau and carried.

The Senate proceeded with the consideration of House Concurrent Resolution No. 5.

Senator Coelho moved to strike out the words "people at

large" in lines 15 and 16 and insert in lieu thereof the words "citizens of the United States." Seconded by Senator Moore.

Senator Moore moved as an amendment to strike out the words "people at large" in lines 15 and 16 and insert in lieu thereof the words "citizens or persons eligible to become citizens of the United States." Senator Coelho accepted the amendment.

The President here called the Vice-President to the Chair.

Senator Smith moved to defer action on the Resolution until Saturday, March 13th, 1909. Seconded by Senator McCarthy and carried.

Third Reading of Senate Bill No. 48, entitled "An Act to Repeal Section 259 of the Revised Laws, Relating to Covenantants for Renewal at Auction of certain Government Leases."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Chillingworth, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Fairchild—1.

Second Reading of House Bill No. 6 entitled "An Act to Alter the Boundaries of the Senatorial Districts of the Territory of Hawaii by Dividing the same into Five Senatorial Districts and to Apportion the Senators to be elected therefrom."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 13 entitled "An Act to Amend Section 2625 of the Revised Laws of Hawaii, Amended by Section 2 of Act 98 of the Session Laws of 1905, Relating to Foreign Corporations."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 51 entitled "An Act to Define and Regulate the Treatment and Control of Dependent and Delinquent Children."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 53 entitled "An Act to Amend Section 2 of Chapter 2 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 70 entitled "An Act Making Certificates of Hawaiian Birth issued under and by the Department of Commerce and Labor of the United States of America Prima Facie Evidence of the Facts therein stated before Territorial Courts and Registration Boards."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 73 entitled "An Act to Provide for the Registration of Voters."

Referred to the Select Committee on Election Laws.

Second Reading of Senate Bill No. 74 entitled "An Act to Amend Section 1150 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 98 entitled "An Act Authorizing the Payment of Certain Persons Employed by the City and County of Honolulu."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 57 entitled "An Act to Provide for the Erection of a Government Building in Hilo, County of Hawaii, for the use of the Fourth Judicial Circuit Court and other Public Purposes."

Senator Fairchild moved that the Bill be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Moore and carried.

Senator Fairchild gave notice of intention to introduce the following Bills:

"An Act to Amend Section 35 of Act 118 of the Session Laws of 1907, Relating to the Bonds of City and County Officers."

"An Act to Amend Section 24 of Act 39, Session Laws of 1905, Relating to the Bonds of County Officers."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 77) entitled "An Act to Amend Section 35 of Act 118 of the Session Laws of 1907, Relating to the Bonds of City and County Officers."

The Bill was read by title and, upon motion of Senator Kalama, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Fairchild introduced a Bill (S. B. No. 78) entitled "An Act to Amend Section 24 of Act 39, Session Laws of 1905, Relating to the Bonds of County Officers."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Under suspension of the Rules, Senator Brown presented the Report (No. 64) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 70, as follows:

Honolulu, T. H., March 6, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 70 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

A Communication (No. 13) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 6, 7, 8, 9, 10, 11 and 12 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I take pleasure in notifying your Honorable Body that the Governor on March 5, 1909, signed the following bills:

House Bill No. 36, Act 6, An Act to Amend Section 2512 of the Revised Laws of Hawaii Relating to Inheritance from Illegitimate Persons;

Senate Bill No. 7, Act 7, An Act Respecting Premiums Paid by Executors, Administrators, Receivers, and Other Similar Officers Appointed or Confirmed by the Courts, And to Facilitate the Giving of Bonds Required or Permitted By Law;

Senate Bill No. 34, Act 8, An Act to Make Certified Copies of Public Archives Receivable in Evidence;

Senate Bill No. 38, Act 9, An Act to Encourage Diversified Industries;

Senate Bill No. 39, Act 10, An Act to Amend Section 491 of

the Revised Laws Relating to the Purposes for Which Private Property May Be Taken for Public Uses;

Senate Bill No. 41, Act 11, An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws and to Add a New Section to Be Known as Section 2329A to the Revised Laws Relating to the Court of Land Registration;

Senate Bill No. 44, Act 12, An Act Amending Section 391 of the Revised Laws of Hawaii Relating to Commissioners of Fences.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

Second Reading of House Bill No. 22 entitled "An Act to Amend Section 1418D of the Revised Laws of Hawaii as Enacted by Section 1 of Act 96 of the Session Laws of 1907, Relating to Licenses."

Upon motion of Senator Moore, seconded by Senator Quinn, the Bill passed Second Reading.

Second Reading of House Bill No. 16 entitled "An Act Exempting Certain Persons from the Payment of Poll, Road and School Tax."

Upon motion of Senator Kalama, seconded by Senator Knudsen, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 27 entitled "An Act to Reduce the Price of the Revised Laws of Hawaii."

Upon motion of Senator McCarthy, seconded by Senator Woods, the Bill passed Second Reading.

The Senate proceeded with the consideration of House Concurrent Resolution No. 11.

Senator Kalama moved that the Report of the Committee be adopted. Seconded by Senator Woods.

Senator Fairchild moved that the Resolution be laid on the table. Seconded by Senator Moore.

The motion to lay the Resolution on the table was then put and carried.

Second Reading of House Bill No. 69 entitled "An Act to Amend Sections 2 and 7 of Act 100 of the Session Laws of 1905, Relating to Bonds of Public Officers."

Upon motion of Senator Knudsen, seconded by Senator Moore, the Bill passed Second Reading.

Second Reading of House Bill No. 58 entitled "An Act to Repeal Act 64 of the Session Laws of 1905 as Amended by

Act 79 of the Session Laws of 1907, Relating to the Issuance of Certificates of Hawaiian Birth."

Upon motion of Senator McCarthy, seconded by Senator Coelho, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 5 entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances."

Upon motion of Senator Harvey, seconded by Senator Quinn, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 65 entitled "An Act to Amend Section 1637 of Chapter 113 of the Revised Laws of Hawaii."

Senator Makekau moved that the Bill pass Second Reading. Seconded by Senator McCarthy and carried.

Second Reading of Senate Bill No. 37 entitled "An Act to Repeal Section 3018 of the Revised Laws, Relating to the Circulation of Commercial Paper."

Senator Coelho moved that the Enacting Clause be amended to read "Be it Enacted by the Legislature of the Territory of Hawaii." Seconded by Senator Kalama and carried.

Senator Coelho moved that the Bill pass Second Reading as amended. Seconded by Senator Kalama and carried.

Second Reading of Senate Bill No. 70 entitled "An Act to Provide for the Appointment of Bail Commissioners in the Several Judicial Circuits of the Territory of Hawaii."

Referred to the Committee on Judiciary.

Under suspension of the Rules, Senator Brown presented the Report (No. 65) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 71 and 72, as follows:

Honolulu, T. H., March 6, 1909.

Hon. W. O. Smith,

President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 71 and 72 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

E. W. QUINN,

C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Second Reading of Senate Bill No. 71 entitled "An Act to Appropriate Money for the Payment of the Trustees of the

Estate of Bernice Pauahi Bishop for the Taking of Certain Lands by the Territory."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 72 entitled "An Act to Appropriate Money for the Payment of the Claim of P. L. Weaver, Judge of the Court of Land Registration, for Certain Expenses incurred in 1903."

Referred to the Committee on Ways and Means.

At 12:15 o'clock, upon motion of Senator Coelho, seconded by Senator Chillingworth, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

SIXTEENTH DAY.

Monday, March 8th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Harvey (excused) absent.

The Journal of the Fifteenth Day was read and, upon motion of Senator McCarthy, seconded by Senator Coelho, approved as read.

A Communication (No. 60) from the House of Representatives, transmitting House Concurrent Resolution No. 13, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 6th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 13, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII, that,

The Congress of the United States, be and is hereby requested to pass, at an early date, an Act enabling the people of this Territory, who are citizens thereof, to meet in convention and frame and adopt a STATE CONSTITUTION whereby and whereunder this Territory shall be admitted as a state into the union, and,

RESOLVED, that the Governor of this Territory be and is hereby requested to transmit a copy of this Resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, and the Delegate of the Territory of Hawaii in the Congress, with the request that this Resolution be laid before the Congress of the United States.

The Communication was ordered received and placed on file. House Concurrent Resolution No. 13 was referred to the Committee on Judiciary.

Senator Brown presented the Report (No. 66) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 75, 76, 77 and 78, as follows:

Honolulu, T. H., March 8, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 75, 76, 77 and 78 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen gave notice of intention to introduce a Bill entitled "An Act to Provide for Appeals by the Territory of Hawaii in Criminal Cases in certain instances, Adding a New Section to Chapter 123 of the Revised Laws of Hawaii to be known as Section 1858A."

Under suspension of the Rules, Senator Knudsen introduced a Bill (S. B. No. 79) entitled "An Act to Provide for Appeals by the Territory of Hawaii in Criminal Cases in certain instances. Adding a New Section to Chapter 123 of the Revised Laws of Hawaii, to be known as Section 1858A."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Robinson, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act to Regulate the Expenditure of Public Money."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 80) entitled "An Act to Regulate the Expenditure of Public Money."

The Bill was read by title and, upon motion of Senator Fairchild, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Second Reading of House Bill No. 44 entitled "An Act Amending Act 108 of the Session Laws of 1907."

Senator Kalama moved that action on the bill be deferred until March 15th, 1909. Seconded by Senator Coelho.

Senator Robinson moved as an amendment that action on the Bill be deferred until March 17th, 1909. Senator Kalama accepted the amendment which carried.

Third Reading of Senate Bill No. 16 entitled "An Act Relating to Fishing in the Fisheries in the Sea Waters of the Territory of Hawaii."

Senator Chillingworth moved that action on the Bill be deferred until Saturday, March 15th, 1909. Seconded by Senator Knudsen.

Senator Robinson moved as an amendment that action on the Bill be deferred until March 17th, 1909. Senator Chillingworth accepted the amendment which carried.

Third Reading of Senate Bill No. 37 entitled "An Act to Repeal Section 3018 of the Revised Laws, Relating to the Circulation of Commercial Paper."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of Senate Bill No. 65 entitled "An Act to

Amend Section 1637 of Chapter 113 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of House Bill No. 5 entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances."

Senator Knudsen moved to amend by striking out the words "less than one year and not exceeding" in lines 7 and 8 of Section 1 and inserting in lieu thereof the words "more than." Seconded by Senator Chillingworth and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of House Bill No. 20 entitled "An Act to Amend Section 2816 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes: Senator Kalama—1.

Not Present: Senator Harvey—1.

Third Reading of House Bill No. 22 entitled "An Act to Amend Section 1418D of the Revised Laws of Hawaii as Enacted by Section 1 of Act 96 of the Session Laws of 1907, Relating to Licenses."

Senator Makekau moved that the Bill be indefinitely postponed. Seconded by Senator Kalama.

Senator Knudsen moved as an amendment that the Bill be laid on the table. Seconded by Senator McCarthy and carried.

Third Reading of House Bill No. 27 entitled "An Act to Reduce the Price of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fair-

child, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of House Bill No. 37 entitled "An Act to Amend Chapter 14 of the Revised Laws of Hawaii, Relating to 'Taxation, Educational and Judicial Districts'."

Senator Robinson moved to insert the words "and the Island of Kahoolawe" after the word "sea" in line 36 of Section 1. Seconded by Senator Kalama and carried.

Senator Coelho moved to strike out the words "and the Island of Kahoolawe" in line 42 of Section 1. Seconded by Senator Robinson and carried.

Senator Chillingworth moved to strike out the words "and County" in line 55 of Section 1. Seconded by Senator Kalama and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of House Bill No. 58 entitled "An Act to Repeal Act 64 of the Session Laws of 1905 as Amended by Act 79 of the Session Laws of 1907, Relating to the Issuance of Certificates of Hawaiian Birth."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of House Bill No. 69 entitled "An Act to Amend Sections 2 and 7 of Act 100 of the Session Laws of 1905, Relating to Bonds of Public Officers."

Upon motion of Senator Baker, seconded by Senator Knudsen, action on the Bill was deferred until Tuesday, March 9th, 1909.

Second Reading of House Bill No. 61 entitled "An Act to Authorize Certain Public Officials to Designate Persons to act in their Absence and to define the Powers of Persons so designated."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 75 entitled "An Act to

Divide the Present County of Hawaii into Two Counties and to Provide for the Government thereof."

Referred to Select Committee of Hawaii Members.

Second Reading of Senate Bill No. 76 entitled "An Act to Amend Section 1 of Act 53 of the Laws of 1907, Relating to Witnesses' Fees and Mileage."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 77 entitled "An Act to Amend Section 35 of Act 118 of the Session Laws of 1907, Relating to the Bonds of City and County Officers."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 78 entitled "An Act to Amend Section 24 of Act 30, Session Laws of 1905, Relating to the Bonds of County Officers."

Referred to the Committee on Judiciary.

A Communication (No. 61) from the House of Representatives, transmitting House Bill No. 47, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 47, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 47 entitled "An Act to Amend Section 1245 of the Revised Laws of Hawaii, as Amended by Section 9 of Act 89 of the Session Laws of 1905."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Quinn, passed First Reading.

A Communication (No. 18) from Wm. Brewster Oleson, transmitting Resolution adopted by the Hawaiian Evangelical Association against the change of the present Liquor Law, was read by the Clerk as follows:

THE BOARD OF THE
HAWAIIAN EVANGELICAL ASSOCIATION.

March 5, 1909.

To the Senate and House of Representatives
of the Territory of Hawaii.

Greeting:—By vote of the Hawaiian Evangelical Association at its Annual Meeting held in Hilo, June 24-July 1, 1908, the following resolution was passed:

“Resolved, that this Association (numbering 101 churches) hereby petitions the Territorial Legislature of 1909 to make no change in the liquor law enacted at the last session.”

Respectfully submitted,

WM. BREWSTER OLESON,
Cor. Sec.

The Communication was ordered referred to the Committee on Ways and Means.

Under suspension of the Rules, Senator Chillingworth offered the following Resolution (No. 35) providing for the appointment of a Committee to investigate and report on the Nuuanu Dam and Reservoir No. 4:

RESOLUTION.

RESOLVED, that a Committee of three members of the Senate of the Territory of Hawaii be appointed by the President to investigate the construction work now being carried on at the Nuuanu Dam and Reservoir No. 4 and to report on all matters pertaining to the same.

CHAS. F. CHILLINGWORTH,
Senator, 3rd District.

March 8th, 1909.

Senator Chillingworth moved that the Resolution be adopted. Seconded by Senator Knudsen and carried.

The Chair thereupon appointed Senators Chillingworth, Knudsen and Fairchild as such Committee.

At 11:22 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Knudsen and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

At 2:01 o'clock the Chair announced a recess of 5 minutes.

At 2:06 o'clock the Senate reconvened.

A Communication (No. 14) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the forwarding of certified copies of Concurrent Resolution No. 2, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 8, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—In accordance with the request contained in Concurrent Resolution No. 2, I have the honor to inform you that I have this day for and on behalf of the Legislature of the Territory of Hawaii, session of 1909, forwarded by S. S. "Siberia," a certified copy of this resolution to each of the following persons: The President, the President of the Senate, the Speaker of the House of Representatives, and the Delegate to Congress.

Yours very respectfully,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

A Communication (No. 19) from John Atcherley, asking that the conduct of Mr. Hemenway be investigated, was read by the Clerk as follows:

Honolulu, T. H., March 6, 1909.

The Chairman and Members of the Senate,
of the Legislature of 1909.

Honorable Gentlemen:—I wish to call attention the fact that during the recent attempt to hound me into the Insane Asylum by bringing a charge of insanity against me, Mr. Hemenway transgressed the laws of the Territory and exceeded his powers

by ordering my arrest by force without a warrant, etc. I have, therefore, to lodge this complaint; That on Wednesday, February 3, 1909, an attempt was made by special police officers of County Sheriff Jarrett, at the corner of King street and Kame-meha Fourth road, Kalihi, to apprehend me. I, of course, refused to submit, and it was to prevent any such attempts being successful that Mr. Magoon kept me hidden away in his office until February 8, 1909.

Mr. Magoon thought it not safe for me to appear again on the street till I had a hearing before the Supreme Court, lest the attempt to kidnap me be repeated.

This question gentlemen, is one that concerns not only myself, but the liberty of every citizen in the Territory.

I humbly beg that a thorough investigation be made concerning this conduct of Mr. Hemenway, when many details will be revealed illustrating his high-handed conduct, not only in this affair but in at least one other which I am acquainted; an affair concerning J. Lor Wallach's release and the treatment of leprosy.

JOHN ATCHERLEY,
M. R. C. S. (Lond.)

Upon motion of Senator Woods, seconded by Senator Coelho, the Communication was referred to the Committee on Judiciary.

Senator Fairchild presented the Report (No. 67) of the Committee on Ways and Means on Senate Bill No. 58, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 8, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 58 entitled "An Act to Amend Section 1221 of the Revised Laws, Relating to Property exempt from Taxation," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to add to the Section of the Revised Laws exempting certain public, educational and religious property from taxation, the Trust Estate under the Will of W. C. Lunalilo, deceased.

Your Committee believe the object of the Bill a good one, and would recommend its passage with the following amendment:

Amend Section 1 to read as follows:

“Section 1. That Section 1221 of the Revised Laws be and the same is hereby amended to read as follows:

“Section 1221. Property exempt; public, educational, religious, eleemosynary. The following property shall be exempt from taxation: real and personal property belonging to the Territory; to the Department of Public Instruction; to incorporated or private schools and in the actual use of such schools; to the Queen's Hospital; to the Trust Estate under the Will of W. C. Lunalilo, deceased; to religious societies and in the actual use of such societies, the land of such societies exempt from taxation being limited to Church Sites and Burying Grounds, such sites and burying grounds not to exceed five acres each in extent; and the Kapiolani Maternity Home, and all property both real and personal of public library associations shall be exempt from taxation.”

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
E. W. QUINN,
H. T. MOORE,
JOHN T. BROWN.

Upon motion of Senator Coelho, seconded by Senator Brown, action on the Report of the Committee and the Bill was deferred until Saturday, March 13th, 1909.

At 2:13 o'clock a recess was taken subject to the call of the Chair.

At 2:26 o'clock the Senate reconvened.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 68) of a majority of the Committee on Judiciary on House Bill No. 98, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 8th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 98, entitled “An Act Authorizing the Payment

of Certain Persons employed by the City and County of Honolulu," begs leave to report that it has had the same under careful consideration, and would recommend that the same pass.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH.

Upon motion of Senator Makekau, seconded by Senator Brown, action on the Report of the Committee and the Bill was deferred until Tuesday, March 9th, 1909.

Senator Robinson gave notice of intention to introduce a Bill entitled "An Act to Provide for Medical Inspection of the Public School Children in the Territory of Hawaii."

Under suspension of the Rules, Senator Robinson introduced a Bill (S. B. No. 81) entitled "An Act to Provide for Medical Inspection of the Public School Children in the Territory of Hawaii."

The Bill was read by title and, upon motion of Senator Robinson, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Fairchild asked to be excused from serving on the Select Committee appointed to investigate and report on the Nuuanu Dam.

There being no objection the request was granted, and the Chair appointed Senator Woods in his place.

At 2:32 o'clock, upon motion of Senator Kalama, seconded by Senator Woods, the Senate adjourned.

WILLIAM SAVIDGE,

Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,

President of the Senate.

SEVENTEENTH DAY.

Tuesday, March 9th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Fairchild absent.

The Journal of the Sixteenth Day was read and, upon motion of Senator Robinson, seconded by Senator Brown, approved as read.

A Communication (No. 62) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 5, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8th, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 5.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 63) from the House of Representatives, transmitting House Concurrent Resolution No. 14, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 14, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, there was introduced in the House of Representatives of the Sixtieth Congress of the United States a Bill known as House Bill 7094, wherein and whereby the Secretary of the Treasury was authorized to pay to Liliuokalani, formerly Queen of the Kingdom of Hawaii, in full satisfaction and discharge of all claims legal and equitable, the sum of Two Hundred and Fifty Thousand Dollars (\$250,000) and,

WHEREAS, a like bill is about to be introduced in the House of Representatives of the Sixty-first Congress of the United States,

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII:

That the Delegate to Congress from the Territory is requested to urge by all means lawfully in his power, the passage of such Act, and

BE IT FURTHER RESOLVED, that the Members of the House of Representatives of the Territory of Hawaii, as representing the people of this Territory, do fully and heartily endorse the said Act and urge its favorable consideration and passage by the Congress of the United States.

The Communication was ordered received and placed on file. House Concurrent Resolution No. 14 was referred to the Committee on Judiciary.

Senator Knudsen presented the Report (No. 69) of the Committee on Judiciary on Senate Bill No. 62, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 9, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 62 entitled "An Act to Amend Section 3196 of the Revised Laws of Hawaii, Relating to Offenses against the Right of Sepulture," begs leave to report that it has had the same under careful consideration.

The object of the Bill is a worthy one, and your Committee recommends its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Kalama, seconded by Senator Makekau, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 70) of the Committee on Judiciary on House Bill No. 70, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 9, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 70, entitled "An Act Making Certificates of Hawaiian Birth issued under and by the Department of Commerce and Labor of the United States of America Prima Facie Evidence of the facts therein stated before Territorial Courts and Registration Boards," begs leave to report that it has had the same under careful consideration.

The object of this Bill is to carry out the general line of policy as was adopted when House Bill No. 58 was passed. That Bill took away the duty of issuing Certificates from the Secretary of the Territory.

This Bill turns the work over to the Department of Commerce and Labor of the United States.

Questions of Naturalization are distinctly Federal, so your Committee recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman, Judiciary Committee;

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Kalama moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Brown and carried.

Senator Knudsen presented the Report (No. 71) of the Committee on Judiciary on Senate Resolution No. 33, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 9, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Judiciary, to whom was referred Senate Resolution No. 33 Relating to a Request that Treasurer Campbell furnish information regarding Sale of Fish, begs leave to reply as follows:

All Merchants Brokers Licenses have been issued under and by authority of Section 1418G in Act 96 of the Session Laws of 1907, and if any holders of such licenses are breaking the laws the Treasurer is not aware of it.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 72) of the Committee on Ways and Means on Senate Resolution No. 27, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 9, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Resolution No. 27, Relating to an Appropriation of \$536.96 to reimburse Levi C. Lyman for purchase price of Lots 17 and 18 at Ponahawai, Hawaii, begs leave to report that it has had the same under careful consideration.

Your Committee has gone into the merits of this claim and find the same to be just.

Your Committee believes that this Claim should be settled by the passage of a Bill, so accordingly has prepared a Bill to cover the same.

Your Committee therefore recommends that Senate Resolution No. 27 be laid on the table, and the Bill to be introduced by this Committee passed.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

E. W. QUINN,
H. T. MOORE,
W. J. COELHO,
JOHN T. BROWN.

Upon motion of Senator Fairchild, seconded by Senator Kalama, the Report of the Committee was adopted.

Senator Fairchild on behalf of the Committee on Ways and Means gave notice of intention to introduce a Bill entitled "An Act to Appropriate Money for the Relief of Levi C. Lyman."

Under suspension of the Rules, Senator Fairchild on behalf of the Committee on Ways and Means introduced a Bill (S. B. No. 82) entitled "An Act to Appropriate Money for the Relief of Levi C. Lyman."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act to Establish a Law uniform with the Laws of Other States and Territories for the Acknowledgment and Execution of Written Instruments."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 83) entitled "An Act to Establish a Law uniform with the Laws of other States and Territories for the Acknowledgment and Execution of Written Instruments."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Define the Boundaries of the First and Second Representative Districts of the Territory of Hawaii."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 84) entitled "An Act to Define the Boundaries of the First and Second Representative Districts of the Territory of Hawaii."

The Bill was read by title and, upon motion of Senator Makekai, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Baker gave notice of intention to introduce a Bill entitled "An Act to Provide a Specific Tax of 2 Cents per Share of Stock Transferred."

Senator Makekai presented the Report (No. 73) of a minority of the Committee on Judiciary on House Bill No. 98, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 9, 1909.

Honorable William O. Smith,
President of the Senate.

Sir:—A Minority of your Judiciary Committee, to whom House Bill No. 98 was referred, begs leave to report the said Bill, amended to read as follows:

"AN ACT PROVIDING FOR THE PAYMENT OF CERTAIN
PERSONS EMPLOYED BY THE CITY AND
COUNTY OF HONOLULU.

Be It Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All persons who, between the 4th day of January, 1909, and the 15th day of March, 1909, inclusive, have been employed by the City and County of Honolulu through its Board of Supervisors or by any committee or agent of said Board authorized by said Board to make such employment, or by the Mayor of said City and County or by any person authorized by him to make such employment, shall be paid the various wages and salaries promised to such persons so employed for the time for which they were employed as aforesaid, not however to extend beyond said 15th day of March, 1909, and the Auditor of the City and County of Honolulu is authorized and directed to issue warrants on the Treasurer of the City and County of Honolulu in favor of such persons as soon as their claims and demands have been examined and allowed and ordered paid by said Board and approved by the Mayor.

SECTION 2. When any warrant referred to in Section 1 hereof is presented to the Treasurer of the City and County of Honolulu, if there is money in the Treasury for that purpose, he shall pay the same and write or stamp on the face thereof

the word "Paid," the date of payment, and sign his name thereto.

SECTION 3. This Act shall take effect from and after the date of its approval."

Respectfully submitted,

R. H. MAKEKAU.

Upon motion of Senator Woods, seconded by Senator McCarthy, the Report was laid on the table to be considered with the Bill and the majority Report of the Committee.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 69 entitled "An Act to Amend Sections 2 and 7 of Act 100 of the Session Laws of 1905, Relating to Bonds of Public Officers."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President--15.

Second Reading of House Bill No. 98 entitled "An Act Authorizing the Payment of Certain Persons Employed by the City and County of Honolulu."

The Bill was ordered read Section by Section.

Section 1. Senator McCarthy moved that Section 1 be amended to conform with the Report of the Minority of the Committee. Seconded by Senator Harvey.

Senator Chillingworth moved as an amendment that the Bill be deferred until 2 o'clock this afternoon, and that the Clerk be ordered to furnish typewritten copies of the Bill as recommended by the Minority of the Committee. Senator McCarthy accepted the amendment which carried.

Second Reading of House Bill No. 47 entitled "An Act to Amend Section 1245 of the Revised Laws of Hawaii, as Amended by Section 9 of Act 89 of the Session Laws of 1905."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 70 entitled "An Act Making Certificates of Hawaiian Birth issued under and by the Department of Commerce and Labor of the United States of America Prima Facie Evidence of the Facts therein stated before Territorial Courts and Registration Boards."

Senator Makekau moved that the Bill pass Second Reading. Seconded by Senator McCarthy and carried.

At 10:45 o'clock, upon motion of Senator Makekau, seconded by Senator Brown, the Senate took a recess until 2 o'clock.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 64) from the House of Representatives, informing the Senate of its non-concurrence in the amendment made to House Bill No. 20 and of the appointment of a Conference Committee on the same, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendment made by your Honorable Body to House Bill No. 20, and that the Speaker has appointed the following Conferees from the House:

Honorables Sheldon, Douthitt and Furtado.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
The Chair appointed the following to act as a Conference Committee on House Bill No. 20:

Senators Knudsen, Chillingworth and Makekau.

A Communication (No. 65) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 37, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day

concurred in the amendments made by your Honorable Body to House Bill No. 37.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 66) from the House of Representatives, transmitting House Bill No. 87, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 87, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 87 entitled "An Act to Amend Section 2931 of the Revised Laws of Hawaii, Relating to Abduction."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading.

A Communication (No. 67) from the House of Representatives, transmitting House Bill No. 92, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 92, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 92 entitled "An Act to Amend Section 3161 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator McCarthy, passed First Reading.

Senator Knudsen for the Committee on Judiciary asked leave to return House Concurrent Resolution No. 14 to the Clerk to be returned to the House of Representatives for correction. Granted.

The Senate proceeded with the consideration of House Bill No. 98, entitled "An Act Authorizing the Payment of Certain Persons Employed by the City and County of Honolulu," on Second Reading.

Section 1. Senator McCarthy moved to amend the Section in accordance with the recommendations of the Minority of the Committee. Seconded by Senator Woods.

Senator Coelho moved as an amendment to add at the end thereof the words "All warrants heretofore issued by the Auditor to persons who have been actually employed by said Board are hereby confirmed, validated, legalized and approved as if said warrants were issued after the taking effect of this Act." Senator McCarthy accepted the amendment which carried.

Senator McCarthy moved that Section 1 pass as amended. Seconded by Senator Coelho and carried.

Section 2. Senator Chillingworth moved that the Section pass as read. Seconded by Senator Coelho and carried.

Section 3. Senator Coelho moved that the Section pass as read. Seconded by Senator Chillingworth and carried.

Title. Senator McCarthy moved that the Title pass as read. Seconded by Senator Chillingworth and carried.

Senator Coelho moved that the Bill pass Second Reading as amended. Seconded by Senator Chillingworth and carried.

At 2:16 o'clock, upon motion of Senator Coelho, seconded by Senator Moore, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

EIGHTEENTH DAY.

Wednesday, March 10, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the Chaplain, the Roll was called showing Senator Kalama absent.

The Journal of the Seventeenth Day was read and, upon motion of Senator McCarthy, seconded by Senator Robinson, approved as read.

Senator Coelho presented the Report (No. 74) of the Committee on Public Health on House Bill No. 17, as follows:

SENATE CHAMBER,

Honolulu, March 10, 1909.

Honorable W. O. Smith,

President of the Senate.

Sir:—Your Committee on Public Health to whom was referred House Bill No. 17 being "An Act to Amend Section 23 of an Act entitled 'An Act Incorporating the City and County of Honolulu,' being Act 118 of the Session Laws of 1907," begs leave to report that it has had the same under careful consideration and finds:

The Bill proposes to add additional powers and duties to the Board of Supervisors of the City and County of Honolulu, by vesting in said Board the power to prescribe and regulate the method and style of construction of all kinds of work shops and factories, laundries, etc., and the places where, and the conditions under which such shops and factories, laundries, etc., may be erected, maintained, used or operated. It also proposes to vest said Board of Supervisors with the authority to enact and enforce all ordinances necessary to protect health, life and property, to prevent and summarily remove nuisances, etc.

The object of the Bill is to provide means by which nuisances arising from the construction of such structures as are mentioned in said Bill may be prevented.

The public safety demands the summary abatement of any evil which might be the cause of injuring or which might be considered a menace to public health, life and property.

Your Committee therefore recommends the passage of this Bill.

Respectfully submitted,

W. J. COELHO,

Chairman;

GEO. H. FAIRCHILD,

F. R. HARVEY,

Upon motion of Senator Coelho, seconded by Senator Knudsen, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho presented the Report (No. 75) of the Committee on Public Health on Senate Bill No. 3, as follows:

SENATE CHAMBER,

Honolulu, March 10, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Health to whom was referred Senate Bill No. 3 entitled: "An Act to Provide for a Hospital in the District of Lahaina, Island of Maui," begs leave to report that it has had the same under careful consideration and finds:

The object sought by the Bill would not be accomplished by the provisions now embodied in the proposed Act because of the lack of funds with which it is necessary to establish same.

The Committee feels, that the several subdivisions of the Territory, the Counties, would be greatly benefited by the passage of an Act which would authorize the Boards of Supervisors to establish and maintain hospitals, and to provide for the free treatment and dispensing of medicines to all indigent persons.

The Committee therefore recommends the passage of the Bill with the following amendments:

1. Amend title to read:

"An Act to Authorize the Board of Supervisors of each County to Establish and Maintain Hospitals."

2. Amend "Section 1" to read:

"Section 1. The Board of Supervisors of each County is hereby authorized and empowered to establish and maintain hospitals, more especially for the benefit of indigent persons, but moderate and reasonable payments may be required of patients who are able to pay the same. Provided, however, that where there is already established and maintained a hospital by private parties, corporation or by the Territory of Hawaii, the said Board of Supervisors is hereby authorized and empowered to contract or make agreement or otherwise provide for the treatment and dispensing of medicines to all indigent persons at such hospitals."

3. Amend "Section 2" to read:

"Section 2. All moneys received from paying patients or otherwise, shall be paid over to the Treasurer of the County as a Special Deposit to be used as additional pecuniary sup-

port for the institution making such deposit; and all such moneys so expended shall be accounted for to the Board of Supervisors."

3. Amend "Section 3" to read:

"Section 3. For the purposes of this Act, the Board of Supervisors may appoint from time to time three reputable and responsible citizens as Trustees for a term of 1, 2 and 3 years respectively, who shall serve without pay. The said Trustees shall manage and have full control of the hospital for which they shall have been appointed trustees; and have power to promulgate Rules and Regulations not inconsistent with the law or the Rules and Regulations of the Territorial Board of Health, and subject to the approval of the Board of Supervisors. They shall also have the power to appoint the attending physician and nurses or other attendants, subject to the approval of the Board of Supervisors."

Respectfully submitted,

W. J. COELHO,

Chairman;

GEO. H. FAIRCHILD,

F. R. HARVEY,

Upon motion of Senator Coelho, seconded by Senator Fairchild, action on the Report and the Bill was deferred until typewritten copies of the Amended Bill be furnished the members.

Senator Brown presented the Report (No. 76) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 82, 83 and 84, as follows:

Honolulu, T. H., March 10, 1909.

Honorable W. O. Smith,

President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 82, 83 and 84 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

E. W. QUINN,

C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Robinson presented the Report (No. 77) of the Committee on Education on Senate Resolution No. 21, as follows:

SENATE CHAMBER,

March 10, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Education to whom was referred Senate Resolution No. 21, which asks for numerous appropriations for school houses for the County of Hawaii, begs leave to report that it has taken the same under consideration and has had a letter from the Superintendent of Public Instruction stating the reasons for the same.

While this Committee favors the erection of all school houses needed, it still cannot see the money in sight to do so at present; it therefore recommends that the resolution be laid on the table to be considered with the Appropriation Bill.

Respectfully submitted,

W. T. ROBINSON,
Chairman.
ERIC A. KNUDSEN,
C. J. McCARTHY.

Upon motion of Senator Knudsen, seconded by Senator Kalama, the Report of the Committee was adopted.

Senator Fairchild presented the Report (No. 78) of the Committee on Ways and Means on Senate Bill No. 29, as follows:

Honolulu, March 10, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on "Ways and Means" to whom was referred Senate Bill No. 29, has had the same under consideration and begs leave to report as follows:

1. Section 4: This amendment is approved except that there be inserted after the word "refuse" on line 5 of page 1, the word "suspend, revoke, regulate and control"; and after the word "case" in line 7 on page 1, there be inserted the words "and shall not be reviewable by or appealable to any court or tribunal."

2. Section 9: This amendment is approved with the following exceptions:

(a) In line 29 of page 2, and line 1 of page 3, change "Five Hundred Dollars (\$500)" to "Seven Hundred and Fifty Dollars (\$750)."

(b) After the denomination "500" on line 36 of page 3, add "except in the following named districts where the fee for this license shall be Seven Hundred Fifty Dollars (\$750) in the District of Hilo, County of Hawaii, and in the District of Honolulu, City and County of Honolulu."

3. Section 18: This amendment is disapproved.

4. Section 23: This amendment is disapproved.

5. Section 24: This amendment as proposed is disapproved. An Amendment of the section as originally enacted, by substituting after the words "Otherwise the Board may in its discretion grant or refuse the same" a semi-colon instead of a period, and inserting thereafter the words "except in the case of an application for the renewal of a license, when the Board shall grant the same"; and inserting after the words "The Board may also" the words "upon application for licenses in the first instance", is approved.

These suggested amendments affect simply the discretionary power of the Board in cases of applications for renewal of licenses.

6. Section 25: This amendment is disapproved.

7. Section 31: This amendment is approved.

8. Section 35: This amendment is approved.

9. Section 35A: This amendment is approved with the exception that on lines 4 and 5 of page 8, the words "refusing applications for licenses" be stricken out; that after the word "licenses" on line 5 of page 8, there be inserted the words "refusing transfers of licenses"; that after the words "de novo" on line 14 of page 9, there be inserted the words "under rules and procedure which shall be fixed by the court"; and for the purpose of removing any confusion resulting from the existence of two judicial circuits within the County of Hawaii, after the words "same Circuit" on line 6 of page 8, there be inserted the words "wherein the party appealing, as a licensee, has his, their or its licensed premises, the license for which has been suspended or revoked, or for which a renewal or transfer of the license has been refused, as the case may be."

For a better understanding of the within report, we append hereto the bill as approved by this committee.

Respectfully submitted,

H. T. MOORE,
JOHN T. BROWN,
W. J. COELHO,
E. W. QUINN.

I do not concur in the foregoing report being pledged to oppose any change in the present law.

GEO. H. FAIRCHILD,
Chairman.

SENATE BILL NO. 29.

AN ACT

TO AMEND ACT 119 OF THE SESSION LAWS OF 1907 ENTITLED "AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS, REPEALING ACT 67 OF THE SESSION LAWS OF 1905."

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That Sections 4, 9, 17, 24, 31 and 35 of Act 119 of the Session Laws of 1907 entitled "An Act to Regulate the Sale of Intoxicating Liquors, repealing Act 67 of the Session Laws of 1905," are hereby amended to respectively read as follows:

Section 4. Each Board within its own County shall have the sole power and authority to grant, refuse, suspend, revoke, regulate and control licenses to sell intoxicating liquors in such County, subject to the provisions and directions in this Act contained. The exercise of the power and authority by this Act vested in the Board, shall be final in each case, and shall not be reviewable by or appealable to any court or tribunal except as herein provided.

Every Commissioner shall have authority to administer oaths in all matters pertinent to the business of the Board.

Section 9. Licenses of the following classes may be granted under the provisions of this Act.

First: Wholesale License. To sell intoxicating liquors of any kind, in quantities not less than one gallon if taken from bulk containers, and not less than one-half dozen reputed quarts, or one dozen reputed pints if bottled beer or wine, nor less than one reputed quart if bottled goods other than wine or beer, but not to be consumed upon the licensed premises.

The fee for this license shall be Five Hundred Dollars (\$500) except in the following named districts, where the fee for this license shall be One Thousand Dollars (\$1,000): in the district of Hilo, County of Hawaii, and in the district of Honolulu, City and County of Honolulu.

Second: Retail license. To sell intoxicating liquors of any kind and in any quantity. Under this license the holder may conduct the following kinds of business, to wit: saloon, hotel or restaurant. Every license of this class shall specify upon its face which of said kinds of business the holder thereof may carry on; and no business other than that so specified shall be carried on by any such licensee on the same premises, except the sale of mineral waters and smokers' supplies.

The fee for this class of license shall be:

1. For saloon premises, Two Hundred and Fifty Dollars (\$250), except in the following named districts where the fee for this class of license shall be Seven Hundred and Fifty Dollars (\$750): in the district of Hilo, County of Hawaii; and in the district of Honolulu, City and County of Honolulu.

2. For hotel premises, Two Hundred and Fifty Dollars (\$250), except in the following named districts where the fee for this class of license shall be Seven Hundred and Fifty Dollars (\$750): in the district of Hilo, County of Hawaii, and in the district of Honolulu, City and County of Honolulu.

3. For restaurant premises, Five Hundred Dollars (\$500), except in the following named districts where the fee for this class of license shall be Seven Hundred and Fifty Dollars (\$750): in the district of Hilo, County of Hawaii, and in the district of Honolulu, City and County of Honolulu.

Provided, that if the terms of any license shall include the right to sell intoxicating liquors in any restaurant at all times after the usual closing hours and during election hours, with or without meals, and on Sundays, with meals, there shall be paid therefor in addition, a further fee of Two Hundred and Fifty Dollars (\$250); and, provided further, that if the terms of any license shall include the right to sell intoxicating liquors in any hotel at all times after the usual closing hours and on Sundays and during election hours, with or without meals, there shall be paid therefor in addition a further fee of Two Hundred and Fifty Dollars (\$250).

Third: To sell intoxicating liquors of any kind for a term not exceeding three days, by the glass, flask or bottle only, on any occasion, as may be approved by the Board. Provided that no such license shall be granted unless the application therefor shall first be approved by the person or persons, society or organization having charge of the place where it is proposed to exercise the same.

The fee for this license shall be Fifteen Dollars (\$15) per day.

Fourth: To sell intoxicating liquors manufactured by the licensee wholly from fruit grown in the Territory by the licensee or others. Such intoxicating liquors shall be sold only on the premises where manufactured, in quantities not less than five gallons, and shall not be consumed on such premises.

The annual fee for this license shall be Five Dollars (\$5 00).

Fifth: To sell for a period of ten years intoxicating liquors other than those made wholly from fruit grown in the Territory, manufactured in the Territory by the licensee. Such intoxicating liquors shall be sold on the premises where manufactured, in quantities not less than five gallons, and shall not be consumed on such premises.

The annual fee for this license shall be Two Hundred and Fifty Dollars (\$250).

Section 17. In every case of an application for a license to sell intoxicating liquors at any restaurant, the Board shall be satisfied that the restaurant shall be a bona fide restaurant, at which meals are in good faith and in fact provided and to be provided, upon specific charges for the same, and that the meals are such as require the service of a cook, and that there is actual cooking upon the premises in connection with meals served; no "free lunch" scheme, however devised, shall be carried on at any such restaurant. For the purpose of a more complete determination, a restaurant shall mean a place where meals are cooked, provided and served as the principal business thereof, and intoxicating liquors sold either with or without meals thereon.

Section 24. Upon the day of hearing, or any adjournment thereof, the Board shall consider said application and any protests and objections to the granting thereof, and hear the parties in interest and shall within ten days thereafter give its decision granting or refusing such application. Provided that if a majority of the registered voters for such precinct shall have duly filed or caused to be filed their protests against the granting or renewal of the license applied for, or, if it shall be made to appear to the Board by any protester that the necessary written consent of property holders has not been fairly obtained and filed as required and intended by this Act, or if there appear any other disqualification under this Act, the application shall be refused. Otherwise the Board may in its discretion grant or refuse the same; except in the case of an application for the renewal of a license, when the Board shall grant the same. The Board may also, upon applications for licenses in the first instance, with like discretion grant a license to one person in preference to another, without reference to any priority in the order of filing of the applications; and may of its own motion, or on the suggestion of any member thereof or of the Inspector (even though such Inspector may have previously approved the application) take notice of any matter or thing which in the opinion of a majority of its members would be a sufficient objection to the granting of a license; but in such case if the objection be one to which the applicant should be given a reasonable time to answer, a continuance may be granted in the discretion of the Board. Provided, nevertheless, that in case where the person or persons affected by such decision shall petition the Board for a rehearing of the application and on oath allege facts and grounds for consideration which were not formerly presented or considered, or any other matter of fact which in the judgment of the Board shall seem sufficient to warrant a

rehearing such rehearing may be granted by the Board in their discretion. When a rehearing is allowed notice thereof shall be given to the applicant and to his opponents, by publication or otherwise as the Board shall direct.

Section 31. In the exercise of the power and authority by this Act conferred, each Board of License Commissioners may revoke any license issued by it, or suspend the right of the licensee to use his license, or reprimand a licensee, either for the violation of any condition of such license or upon the conviction at law of a licensee of the violation of any of the provisions of law relative to his license or the proper exercise thereof; provided, however, that in every case where it is proposed to revoke or suspend the exercise of any license, written notice shall be given the holder of such license, specifying the cause or causes for which it is proposed to take such action and fixing the date of hearing, such notice to be given at least five (5) days before such hearing. At such hearing, before final action is taken by the Board, the licensee shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing that the alleged cause or causes for such proposed action do not exist, or any reason why no penalty should be imposed. And provided further, that all licenses of the third class shall be subject to summary revocation for any violation of or evidence of intent to violate the proper exercise thereof, without hearing before the Board.

Section 35. No license issued under this Act shall be transferable except by the written consent of the Board; nor shall any licensee conduct or attempt to conduct the licensed business at any place other than that specified in the license without like written consent. This Section shall not be construed to infringe upon the rights of a majority of the property holders as in Section Twelve of this Act intended to be saved to them.

Section 2. A new section is hereby added to Act 119 of the Session Laws of 1907, entitled "An Act to Regulate the Sale of Intoxicating Liquors, repealing Act 67 of the Session Laws of 1905," to be known as Section 35A and to read as follows:

Section 35A. Appeals shall be allowed from decisions of Boards refusing applications for renewals of licenses, refusing transfers of licenses, and revocations and suspensions of licenses, to the Circuit Court of the same Circuit wherein the party appealing, as a licensee, has his, their, or its licensed premises the license for which has been suspended or revoked or for which a renewal or transfer of the license has been refused, whenever the party appealing shall file with the Secretary of the Board from which said appeal is taken, his notice of appeal and bond as is now or may hereafter be provided in the case of appeals in civil cases from district magistrates to circuit

courts. And such appeals shall operate to the same effect as civil appeals from district magistrates to the circuit courts, subject to appeal by exceptions or writ of error to the Supreme Court as is now or may hereafter be provided for appeals from circuit courts to the Supreme Court.

Upon appeals from Boards to circuit courts, the hearing before the circuit court shall be de novo under rules and procedure which shall be fixed by the court, and the judgment thereon of the circuit court or of the Supreme Court upon exceptions or writ of error therefrom shall be binding upon the Board from whose decision or action the appeal shall have been taken.

An appeal from a decision of a Board refusing to renew a license or revoking or suspending a license shall operate as a supersedeas, and the party appealing may, pending appeal, continue the exercise of the license suspended or revoked or of which a renewal has been refused, as the case may be, upon executing to such Board a bond in the sum of One Thousand Dollars (\$1,000) conditional upon said party appealing, in case he is defeated in his said appeal, paying to the Secretary of such Board the proportionate part of the annual license fee for each day that such license shall have been exercised by him pending said appeal.

Section 3. This Act shall take effect from and after the date of its approval.

Upon motion of Senator McCarthy, seconded by Senator Coelho, the Bill as amended by the Committee was ordered referred to the Committee on Enrollment, Revision and Printing, and the Report of the Committee laid on the table to be considered with the Bill and Amended Bill when printed.

Senator Knudsen presented the Report (No. 79) of the Committee on Judiciary on House Bill No. 18, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 5, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 18, entitled "An Act to Amend Section 1660 of The Revised Laws of Hawaii, as Amended by Act 61 of the Session Laws of 1905, Relating to the Appointment and Removal of District Magistrates," begs leave to report that it has had the same under careful consideration.

Your Committee would recommend the passage of the Bill with the following amendment:

Amend Section 1 to read as follows:

"Section 1. Section 1660 of the Revised Laws of Hawaii, as Amended by Act 61 of the Session Laws of 1905, is hereby amended so as to read as follows:

Section 1660. There shall be appointed one or more District Magistrates for each Judicial District of the Territory; such appointment shall be made by the Chief Justice of the Territory. Each Magistrate shall reside in the District for which he is appointed. To qualify as such Magistrate, it shall be necessary that he be a duly licensed practitioner in the District Courts of this Territory.

Respectfully submitted,

ERIC. A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator McCarthy, seconded by Senator Moore, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 80) of the Committee on Judiciary on House Bill No. 61, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 10, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 61, entitled "An Act to Authorize certain Public Officials to designate persons to act in their absence and to define the powers of persons so designated," begs leave to report that it has had the same under careful consideration.

The object of the Bill is a good one, and your Committee recommends its passage.

Respectfully submitted,

ERIC. A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 81) of the Committee on Judiciary on House Bill No. 47, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 10, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 47, entitled "An Act to Amend Section 1245 of the Revised Laws of Hawaii, as Amended by Section 9 of Act 89 of the Session Laws of 1905," begs leave to report that it has had the same under careful consideration.

The object of the Bill is a good one, and your Committee recommends its passage.

Respectfully submitted,
ERIC. A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 82) of the Committee on Judiciary on Senate Bill No. 78, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 10, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred Senate Bill No. 78, entitled "An Act to Amend Section 24 of Act 39, Session Laws of 1905, Relating to the Bonds of County Officers," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to raise the amount of the Bond re-

quired by the County Auditors from \$5,000.00 to \$20,000.00 in the County of Hawaii, and from \$2,500.00 to \$15,000.00 in the Counties of Maui and Kauai.

This will make the Bond required by the Auditor as large as that required by the Treasurer of these respective Counties, and as the office of Auditor is just as responsible a one as that of Treasurer, your Committee believes that the Bonds should be the same, and therefore recommends the passage of the Bill.

Respectfully submitted,
ERIC. A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 83) of the Committee on Judiciary on House Bill No. 63, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 10, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 63, entitled "An Act to Amend Sections 1744, 1746 and 1858 of the Revised Laws, Relating to Trials by Jury," begs leave to report that it has had the same under careful consideration.

The law follows the Massachusetts law and instead of making trial by jury obligatory on parties unless they file a waiver, makes it optional with the parties concerned in the case whether they have a jury trial or not.

Such an Act would be a great saving to the Territory as a large number of cases that now go to the jury would go into the jury waived list.

Your Committee recommends the passage of the Bill.

Respectfully submitted,
ERIC. A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 84) of the Committee on Judiciary on Senate Bill No. 77, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 10, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 77, entitled "An Act to Amend Section 35 of Act 118 of the Session Laws of 1907, Relating to the Bonds of City and County Officers," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to raise the amount of the Bond of the Auditor from \$5,000.00 to \$25,000.00, so as to make the amount of the Bond the same as that required by the Treasurer.

As the Office of Auditor is just as important as that of Treasurer, the amount of the Bond should be raised, and your Committee recommends that the Bill pass.

Respectfully submitted,

ERIC. A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 85) of the Committee on Judiciary on House Bill No. 51, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 10, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 51, entitled "An Act to Define and Regulate

the Treatment and Control of Dependent and Delinquent Children," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to take Children out of the Regular Police Courts so that they will not have to associate with hardened criminals, thus giving the child who has a tendency to become a criminal a chance to reform.

In other countries when such Juvenile Courts have been established they have proved of immense value and many children have been reformed.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC. A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 86) of the Committee on Judiciary on House Bill No. 62, as follows:

SENATE CHAMBER.

Honolulu, T. H., March 10, 1909.

Honorable Wm. O. Smith,

President of the Senate,

Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 62, entitled "An Act to Amend Section 2542 of the Revised Laws of Hawaii, Relating to the Granting of Charters of Incorporation," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to authorize the Treasurer, subject to the consent of the Governor, to grant Charters of Incorporation for Cemetery Associations, as well as Charter other Corporations, either aggregate or sole, ecclesiastical or lay.

Your Committee sees no reason why such Corporations should not be subject to the general laws relating to Corporations, and recommends the passage of the Bill.

Respectfully submitted,

ERIC. A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Harvey gave notice of intention to introduce a Bill entitled "An Act to Amend Section 78 of Act 118 of the Session Laws of 1907, entitled 'An Act Incorporating the City and County of Honolulu.'"

Under suspension of the Rules, Senator Harvey introduced a Bill (S. B. No. 85) entitled "An Act to Amend Section 78 of Act 118 of the Session Laws of 1907, entitled 'An Act Incorporating the City and County of Honolulu.'"

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 86) entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Baker introduced a Bill (S. B. No. 87) entitled "An Act to Provide for a Specific Tax of Two Cents per share upon the Stock Transferred."

The Bill was read by title and, upon motion of Senator Baker, seconded by Senator Makekau, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Under suspension of the Rules, Senator Brown presented the Report (No. 87) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 79, 80 and 81, as follows:

Honolulu, T. H., March 10, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing

begs leave to report Senate Bills Nos. 79, 80 and 81 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

The Senate proceeded with the Order of the day.

Third Reading of Senate Bill No. 62 entitled "An Act to Amend Section 3196 of the Revised Laws of Hawaii, Pertaining to Offenses against the Right of Sepulture."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 70 entitled "An Act Making Certificates of Hawaiian Birth issued under and by the Department of Commerce and Labor of the United States of America Prima Facie Evidence of the Facts therein stated before Territorial Courts and Registration Boards."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 98 entitled "An Act Authorizing the Payment of Certain Persons Employed by the City and County of Honolulu."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 87 entitled "An Act to Amend Section 2931 of the Revised Laws of Hawaii, Relating to Abduction."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 92 entitled "An Act to Amend Section 3161 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Upon motion of Senator Coelho, seconded by Senator Knud-

sen, Senate Resolution No. 34 was recommitted to the Committee on Judiciary.

Second Reading of House Bill No. 17 entitled "An Act to Amend Section 23 of An Act entitled 'An Act Incorporating the City and County of Honolulu,' being Act 118 of the Session Laws of 1907."

Senator Coelho moved that the Bill pass Second Reading. Seconded by Senator Fairchild.

Senator McCarthy moved as an amendment that the Bill be recommitted to the Committee on Judiciary. Seconded by Senator Makekau and carried.

Second Reading of House Bill No. 18 entitled "An Act to Amend Section 1660 of the Revised Laws of Hawaii, as Amended by Act 61 of the Session Laws of 1905, Relating to the Appointment and removal of District Magistrates."

Senator Coelho moved that the Bill pass Second Reading amended as recommended by the Committee. Seconded by Senator Quinn and carried.

Second Reading of House Bill No. 61 entitled "An Act to Authorize Certain Public Officials to Designate Persons to Act in their Absence and to Define the Powers of Persons so Designated."

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Bill passed Second Reading.

Second Reading of House Bill No. 47 entitled "An Act to Amend Section 1245 of the Revised Laws of Hawaii, as Amended by Section 9 of Act 89 of the Session Laws of 1905."

Senator Chillingworth moved to strike out the words "blanks of" in line 20 of Section 1. Seconded by Senator Coelho and carried.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Bill passed Second Reading as amended.

Second Reading of Senate Bill No. 78 entitled "An Act to Amend Section 24 of Act 39, Session Laws of 1905, Relating to the Bonds of County Officers."

Upon motion of Senator Fairchild, seconded by Senator Coelho, the Bill passed Second Reading.

Second Reading of House Bill No. 63 entitled "An Act to Amend Sections 1744, 1746 and 1858 of the Revised Laws, Relating to Trials by Jury."

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Bill passed Second Reading.

Second Reading of Senate Bill No. 77 entitled "An Act to Amend Section 35 of Act 118 of the Session Laws of 1907, Relating to the Bonds of City and County Officers."

Upon motion of Senator Fairchild, seconded by Senator Moore, the Bill passed Second Reading.

Second Reading of House Bill No. 51 entitled "An Act to Define and Regulate the Treatment and Control of Dependent and Delinquent Children."

Senator Kalama moved that the Bill pass Second Reading. Seconded by Senator Knudsen.

Senator Chillingworth moved as an amendment that action on the Bill be deferred until 2 o'clock this afternoon. Seconded by Senator Knudsen and carried.

Second Reading of House Bill No. 62 entitled "An Act to Amend Section 2542 of the Revised Laws of Hawaii, Relating to the Granting of Charters of Incorporations."

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Bill passed Second Reading.

Second Reading of Senate Bill No. 79 entitled "An Act to Provide for Appeals by the Territory of Hawaii in Criminal Cases in Certain Instances, Adding a New Section to Chapter 123 of the Revised Laws of Hawaii to be known as Section 1858A."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 80 entitled "An Act to Regulate the Expenditure of Public Money."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 81 entitled "An Act to Provide for Medical Inspection of the Public School Children in the Territory of Hawaii."

Referred to the Committee on Ways and Means.

Seconded Reading of Senate Bill No. 82 entitled "An Act to Appropriate Money for the Relief of Levi C. Lyman."

Upon motion of Senator Fairchild, seconded by Senator Coelho, the Bill passed Second Reading.

Second Reading of Senate Bill No. 83 entitled "An Act to Establish a Law Uniform with the Laws of Other States and Territories for the Acknowledgment and Execution of Written Instruments."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 84 entitled "An Act to Define the Boundaries of the First and Second Representative Districts of the Territory of Hawaii."

Referred to Select Committee of Hawaii Members.

A Communication (No. 68) from the House of Representatives, transmitting House Concurrent Resolution No. 14, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to transmit herewith House Concurrent Resolution No. 14, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, there was introduced in the House of Representatives of the Sixtieth Congress of the United States a bill known as House Bill 7094, wherein and whereby the Secretary of the Treasury was authorized to pay to Liliuokalani, formerly queen of the Kingdom of Hawaii, in full satisfaction and discharge of all claims legal and equitable, the sum of Two Hundred and Fifty Thousand Dollars (\$250,000) and,

WHEREAS, a like bill is about to be introduced in the House of Representatives of the Sixty-First Congress of the United States,

Now, Therefore, Be It Resolved by the Legislature of the Territory of Hawaii:

That the Delegate to Congress from the Territory is requested to urge by all means lawfully in his power, the passage of such Act, and

BE IT FURTHER RESOLVED, that the Members of the Legislature of the Territory of Hawaii, as representing the people of this Territory, do fully and heartily endorse the said Act and urge its favorable consideration and passage by the Congress of the United States.

The Communication was ordered received and placed on file. House Concurrent Resolution No. 14 was ordered referred to the Committee on Judiciary.

Senator Fairchild offered the following Resolution (No. 36) requesting the Heads of Departments to furnish the Chairman of the Committee on Ways and Means with a list of all Clerks employed by them, etc.:

SENATE JOURNAL.

SENATE CHAMBER,

Honolulu, T. H., March 10, 1909.

RESOLUTION.

RESOLVED, that the Heads of the Various Departments be requested to furnish the Chairman of the Ways and Means Committee forthwith with a statement of the number of clerks working in their various offices with the number of hours per day of actual labor performed by each.

GEO. H. FAIRCHILD,

Senator, 4th District.

Senator Kalama moved that the Resolution be adopted. Seconded by Senator Knudsen and carried.

At 11:52 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Knudsen and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 69) from the House of Representatives, transmitting House Bill No. 48, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., March 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to submit herewith House Bill No. 48, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 48 entitled "An Act to

Repeal Sections 1057 and 1060 of the Revised Laws of Hawaii, Relating to Manufacture of Poi."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading.

A Communication (No. 70) from the House of Representatives, transmitting House Bill No. 64, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 64, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 64 entitled "An Act to Amend Sections 1, 5, 12 and 25 of Act 102 of the Laws of 1905, Relating to the Inheritance Tax."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Harvey, passed First Reading.

A Communication (No. 71) from the House of Representatives, returning Senate Bill No. 33, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 33, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Senate proceeded with the consideration of House Bill No. 51, entitled "An Act to Define and Regulate the Treatment and Control of Dependent and Delinquent Children," on Second Reading.

Senator Kalama moved that the Bill pass Second Reading. Seconded by Senator McCarthy and carried.

Under suspension of the Rules, Senator Knudsen gave notice of intention to introduce a Bill entitled "An Act to Amend Section 2174 of the Revised Laws of Hawaii, Relating to Liens of Mechanics and Material Men."

Senator Knudsen introduced a Bill (S. B. No. 88) entitled "An Act to Amend Section 2174 of the Revised Laws of Hawaii, Relating to Liens of Mechanics and Material Men."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 2:06 o'clock, upon motion of Senator Coelho, seconded by Senator Harvey, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

NINETEENTH DAY.

Thursday, March 11, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth and Kalama absent.

The Journal of the Eighteenth Day was read and, upon motion of Senator Moore, seconded by Senator Harvey, approved as read.

A Communication (No 72) from the House of Represen-

tatives, informing the Senate of its concurrence in the amendment made to House Bill No. 98, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 98.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 15) from Jas. W. Pratt, Commissioner of Public Lands, Replying to Senate Resolution No. 36, was read by the Clerk as follows:

TERRITORY OF HAWAII.
COMMISSION OF PUBLIC LANDS.

Honolulu, March 11, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii, Honolulu, T. H.

Gentlemen:—I beg to acknowledge receipt of a copy of the following

“RESOLUTION

RESOLVED, that the heads of the various departments be requested to furnish the Chairman of the Ways and Means Committee forthwith with a statement of the number of clerks working in their various offices with the number of hours per day of actual labor performed by each,” and in response to the request therein contained, I would state that there are four clerks employed regularly in this Office and one temporary clerk on special work, making five in all, and that these clerks work from

half past eight a. m. until half past four p. m. each working day, with the exception of Saturday, on which day they work from half past eight a. m. until twelve m. It is understood of course, that they each have a noon recess to obtain their lunches.

I would also state that it is frequently necessary to require these clerks to work overtime in order to meet the requirements of the office.

Respectfully submitted,

JAS. W. PRATT,
Commissioner of Public Lands.

The Communication was ordered referred to the Committee on Ways and Means.

A Communication (No. 20) from D. H. Case, Secretary, Wailuku Improvement Association, transmitting Resolution adopted against any alteration or amendment to the Liquor Laws, was read by the Clerk as follows:

Wailuku, Maui, T. H., March 5th, 1909.

To the President and Members of the
Senate of the Territory of Hawaii.

At the regular monthly meeting of the Wailuku Improvement Association, held in Wailuku on the 4th day of March, 1909, at which meeting nineteen members of the Association were present, the enclosed resolution concerning liquor legislation was introduced, discussed, and, upon vote taken, unanimously carried:

“RESOLUTION.

BE IT RESOLVED by the Wailuku Improvement Association that it would be extremely unwise, at this Session of the Territorial Legislature, to change or alter the present laws of the Territory of Hawaii relating to the Manufacture and Sale of intoxicating liquors; and this Association does, therefore, respectfully petition our Senators and Representatives to use their efforts in continuing in force said Liquor Laws without alteration or amendment.”

As secretary of the Association I have been instructed to forward this copy of the Resolution to the Senate for its earnest consideration.

D. H. CASE,
Secretary Wailuku Improvement Association.

The Communication was ordered received and placed on file. Senator Brown presented the Report (No. 88) of the Committee on Enrollment, Revision and Printing on Senate Standing Committee Report No. 78, as follows:

Honolulu, T. H., March 11, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Standing Committee Report No. 78 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Coelho presented the Report (No. 89) of the Committee on Public Health on Senate Bill No. 26, as follows:

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Health to whom was referred Senate Bill No. 26 begs leave to report as follows:

The Bill has received the careful consideration of your committee which finds the Act was enacted in 1888 to regulate the manufacturing of poi in the city of Honolulu. From the reading of the said original Act it seemed to us, that the main object of the same was, to place the control of the business in the hands of one person or corporation. Since enactment of the law, however, its provisions have never been carried out, on the ground, that the successive legislatures since 1888 refused to appropriate money for the purpose of providing the buildings requisite to the proper enforcement of the said Act.

Said Act contained six sections, as more fully appears in Chapter 17 of the Session Laws of 1888 and known as Sections 1057 to 1062 inclusive of the Revised Laws of Hawaii. During the session of 1905, Sections 1058, 1059, 1061 and 1062 of the Revised Laws were repealed, leaving only two Sections of said Act in force: Sections 1057 and 1060, which we consider obsolete, because, the matters therein contained are already provided for

in Sections 991 and 993 of the Revised Laws as Amended by Act 42 of the Session Laws of 1905, which provide for the abatement of nuisances and sources of filth and providing for the infliction of a penalty for maintaining such nuisances.

The Committee therefore recommends the passage of the Bill, in order that said obsolete Sections be repealed.

Respectfully submitted,

W. J. COELHO,

Chairman;

GEO. H. FAIRCHILD,

F. R. HARVEY,

Upon motion of Senator Coelho, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1418F, Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Session Laws of 1907, Relating to Merchandise Brokers."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 89) entitled "An Act to Amend Section 1418F, Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Session Laws of 1907, Relating to Merchandise Brokers."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 77 entitled "An Act to Amend Section 35 of Act 118 of the Session Laws of 1907, Relating to the Bonds of City and County Officers."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not present: Senator Chillingworth—1.

Third Reading of Senate Bill No. 78 entitled "An Act to Amend Section 24 of Act 39, Session Laws of 1905, Relating to the Bonds of County Officers."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not present: Senator Chillingworth—1.

Third Reading of Senate Bill No. 82 entitled "An Act to Appropriate Money for the Relief of Levi C. Lyman."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not present: Senator Chillingworth—1.

Third Reading of House Bill No. 18 entitled "An Act to Amend Section 1660 of the Revised Laws of Hawaii, as Amended by Act 61 of the Session Laws of 1905, Relating to the Appointment and Removal of District Magistrates."

The President here called the Vice-President to the Chair.

Senator Smith moved that the Bill be laid upon the table. Seconded by Senator Coelho and lost.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—11.

Noes: Senators Coelho, Fairchild, Kalama and Mr. President—4.

Third Reading of House Bill No. 47 entitled "An Act to Amend Section 1245 of the Revised Laws of Hawaii, as Amended by Section 9 of Act 89 of the Session Laws of 1905."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 51 entitled "An Act to Define and Regulate the Treatment and Control of Dependent and Delinquent Children."

Senator Knudsen moved to strike out the word "imprisonment" in line 17 of Section 7 and insert in lieu thereof the

word "imprisoned." Seconded by Senator Harvey and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 61 entitled "An Act to Authorize Certain Public Officials to Designate Persons to Act in their Absence and to Define the Powers of Persons so Designated."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 62 entitled "An Act to Amend Section 2542 of the Revised Laws of Hawaii, Relating to the Granting of Charters of Incorporation."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: Senator Baker—1.

Third Reading of House Bill No. 63 entitled "An Act to Amend Sections 1744, 1746 and 1858 of the Revised Laws, Relating to Trials by Jury."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 48 entitled "An Act to Repeal Sections 1057 and 1060 of the Revised Laws of Hawaii, Relating to Manufacture of Poi."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Bill passed Second Reading.

Second Reading of House Bill No. 64 entitled "An Act to Amend Sections 1, 5, 12 and 25 of Act 102 of the Laws of 1905, Relating to the Inheritance Tax."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 26 entitled "An Act to Repeal Sections 1057 and 1060 of the Revised Laws of Hawaii, Relating to the Manufacture of Poi."

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Bill was laid upon the table.

Second Reading of Senate Bill No. 3 entitled "An Act to Provide for an Hospital in the District of Lahaina, Island of Maui."

Senator Coelho moved to amend Section 3 as recommended by the Committee by inserting after the word "may" in line 2 the words "from time to time." Seconded by Senator McCarthy.

Senator Makekau moved that the Bill, together with the Report of the Committee, be recommitted to the Committee on Judiciary. Seconded by Senator Coelho and carried.

Under suspension of the Rules, Senator Kalama presented a Petition (No. 21) from 252 citizens residing in the Second Judicial Circuit, protesting against any change in the Liquor Law, as follows.

The undersigned citizens of the Territory of Hawaii, residing in the Second Judicial Circuit, respectfully petition the Senate and the House of Representatives of this Territory, not to change or alter the present Laws of the Territory relating to the Manufacture and Sale of Intoxicating Liquors.

(252 Signatures.)

The Petition was ordered laid on the table to be considered with Senate Bill No. 29.

Second Reading of Senate Bill No. 29 entitled "An Act to Amend Act 119 of the Session Laws of 1907, entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.'"

Upon motion of Senator Fairchild, seconded by Senator Woods, action on the Bill was deferred until 2 o'clock this afternoon.

Under suspension of the Rules, Senator Coelho moved that Senate Resolution No. 32, which had been deferred until March 13, 1909, together with the Report of the Committee on the same, be referred to a Select Committee to consist of the Members from the Island of Maui. Seconded by Senator Fairchild and lost.

At 11:39 o'clock Senator Quinn moved to take a recess until 2 o'clock. Seconded by Senator Moore and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Under suspension of the Rules, Senator Brown presented the Report (No. 90) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 85, 86, 87 and 88, as follows:

Honolulu, T. H., March 11, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 85, 86, 87 and 88 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

A Communication (No. 73) from the House of Representatives, transmitting House Bill No. 112, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 11, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 112, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 112 entitled "An Act to Amend Section 115, Chapter 12 of the Revised Laws of Hawaii, Relating to Holidays."

The Bill was read by title and upon motion of Senator Brown, seconded by Senator Knudsen, passed First Reading.

The Senate proceeded with the consideration of Senate Bill No. 29, entitled "An Act to Amend Act 119 of the Session Laws of 1907, entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905,'" on Second Reading.

The Bill was ordered taken up with the Report of the Committee and read paragraph by paragraph.

Section 1. Paragraph 1. Senator Moore moved that the paragraph pass as read. Seconded by Senator Coelho and carried.

Paragraph 2. Senator Moore moved that the paragraph pass as recommended by the Committee. Seconded by Senator Coelho and carried.

Paragraph 3. Senator Moore moved that the paragraph pass as read. Seconded by Senator McCarthy and carried.

Paragraph 4. Senator Moore moved that the paragraph pass as recommended by the Committee. Seconded by Senator McCarthy and carried.

Paragraph 5. Senator Moore moved that the paragraph pass as read. Seconded by Senator McCarthy and carried.

Paragraph 6. Senator McCarthy moved to strike out the words "and during election hours" in lines 4 and 10. Seconded by Senator Moore and carried.

The paragraph passed as amended.

Paragraph 7. Senator Moore moved that the paragraph pass as read. Seconded by Senator Coelho and carried.

Paragraph 8. Senator Moore moved that the paragraph pass as read. Seconded by Senator McCarthy and carried.

Paragraph 9. Senator Moore moved that the paragraph pass as read. Seconded by Senator McCarthy and carried.

Paragraph 10. Senator McCarthy moved that the paragraph pass as read. Seconded by Senator Moore and carried.

Paragraph 11. Senator McCarthy moved that the recommendations of the Committee be adopted. Seconded by Senator Coelho and carried.

Paragraph 12. Senator McCarthy moved that the recommendations of the Committee be adopted. Seconded by Senator Moore and carried.

Paragraph 13. Senator McCarthy moved that the paragraph pass as recommended by the Committee. Seconded by Senator Moore and carried.

Paragraph 14. Senator McCarthy moved that the recommendations of the Committee be adopted. Seconded by Senator Coelho and carried.

Paragraph 15. Senator Moore moved that the paragraph pass as read. Seconded by Senator Coelho and carried.

Paragraph 16. Senator Moore moved that the paragraph pass as read. Seconded by Senator Coelho and carried.

Section 2. Senator Moore moved that the Section pass as recommended by the Committee. Seconded by Senator McCarthy and carried.

Senator McCarthy moved to insert the words "Section 3" before the words "This Act shall take effect from and after the date of its approval." Seconded by Senator Coelho and carried.

Title. The President here called the Vice-President to the Chair.

Senator Smith moved that further consideration of the Bill be deferred until Saturday, March 27th, 1909. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Fairchild, Kalama, Knudsen, Makekau, Quinn and Mr. President—8.

Noes: Senators Brown, Coelho, Harvey, McCarthy, Moore, Robinson and Woods—7.

A Communication (No. 74) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 47, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 11, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 47.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Second Reading of Senate Bill No. 85 entitled "An Act to Amend Section 78 of Act 118 of the Session Laws of 1907, entitled 'An Act Incorporating the City and County of Honolulu'."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 86 entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 87 entitled "An Act to Provide for a Specific Tax of Two Cents per Share upon the Stock transferred."

Referred to the Select Committee on Taxation.

Second Reading of Senate Bill No. 88 entitled "An Act to Amend Section 2174 of the Revised Laws of Hawaii, Relating to Liens of Mechanics and Material Men."

Referred to the Committee on Judiciary.

Under suspension of the Rules, Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Provide for a Public Administrator and to Define his Powers and Duties."

Senator Coelho introduced a Bill (S. B. No. 90) entitled "An Act to Provide for a Public Administrator and to Define his Powers and Duties."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator McCarthy offered the following Resolution (No. 37) relating to Appropriations of \$106,800.00 for New School Buildings on the Island of Oahu:

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii, that the sum of One Hundred and Six Thousand Eight Hundred Dollars (\$106,800.00) be inserted in the Appropriation Bill covering appropriations for public improvements for the erection and construction of New School Buildings on the Island of Oahu as follows:

Kahuku, 2 room school building.....	\$ 3,500.00
Kahuku, Teachers' cottage.....	1,800.00
Kaaawa, Teachers' cottage.....	1,800.00
Kailua, 1 room school building.....	2,000.00
Kailua, Teachers' cottage.....	2,200.00
Waipahu, 2 room addition.....	3,500.00
Kauluwela, 14 room school building.....	45,000.00
Manoa, 1 room school building.....	2,500.00
Moliili, 2 room school building.....	3,000.00
Normal School, Science and Laboratory departments..	8,000.00
Waiialua, 4 room school building.....	6,800.00
Wahiawa, 1 room school building.....	1,700.00
Waialeale, new dormitory.....	25,000.00

C. J. McARTHUR,
Senator, 3rd District.

Senate Chamber, March 11, 1909.

Upon motion of Senator McCarthy, seconded by Senator Coelho, the Resolution was laid upon the table to be considered with the Appropriation Bill.

Senator Robinson offered the following Resolution (No. 38) relating to Appropriations of \$21,500.00 for New School Buildings on the Island of Maui:

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii, that the sum of Twenty-one Thousand Five Hundred Dollars (\$21,500.00) be inserted in the Appropriation Bill covering appropriations for public improvements for the erection and construction of New School Buildings on the Island of Maui as follows:

Hana, 4 room school building.....	\$ 7,000.00
Keanae, 2 room school building and cottage.....	6,000.00
Keokea, Teachers' cottage.....	3,000.00
Kaupakalua, Teachers' cottage.....	3,500.00
Olowalu, Teachers' cottage.....	2,000.00

W. T. ROBINSON,
Senator, 2nd District.

March 11, 1909.

Upon motion of Senator Robinson, seconded by Senator Coelho, the Resolution was laid on the table to be considered with the Appropriation Bill.

Senator Knudsen offered the following Resolution (No. 39) relating to Appropriations of \$52,300.00 for New School Buildings on the Island of Kauai:

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii, that the sum of Fifty-two Thousand Three Hundred Dollars (\$52,300.00) be inserted in the Appropriation Bill covering appropriations for public improvements for the erection and construction of New School Buildings on the Island of Kauai as follows:

Waimea, 4-room school building.....	\$ 6,500.00
Hanapepe, 10-room school building.....	35,000.00
Kekaha, 2-room school building.....	3,500.00
Makaweli, 1-room addition	1,650.00
Koloa, 1-room addition	1,650.00
Lihue, 3-room school building.....	4,000.00

ERIC A. KNUDSEN,
Senator, 4th District.

Honolulu, March 11, 1909.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Resolution was laid on the table to be considered with the Appropriation Bill.

Senator Coelho moved that the action taken on Senate Resolution No. 32 be reconsidered. Seconded by Senator Brown and carried.

Senator Coelho moved that Senate Resolution No. 32 be recommitted to a Select Committee to consist of the Members from the Island of Maui. Seconded by Senator Brown and carried.

At 3:17 o'clock, upon motion of Senator Coelho, seconded by Senator Kalama, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTIETH DAY.

Friday, March 12th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Nineteenth Day was read and, upon motion of Senator Moore, seconded by Senator Quinn, approved as read.

A Communication (No. 16) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 13, 14, 15, 16 and 17 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 11, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I take pleasure in notifying your Honorable Body that the Governor has this day, March 11, 1909, signed the following bills:

House Bill No. 27, Act 13, An Act to Reduce the Price of the Revised Laws of Hawaii;

Senate Bill No. 33, Act 14, An Act to Amend Section 1634 of the Revised Laws, Relating to Substitute Justices of the Supreme Court;

House Bill No. 58, Act 15, An Act to Repeal Act 64 of the Session Laws of 1905 as Amended by Act 79 of the Session Laws of 1907 Relating to the Issuance of Certificates of Hawaiian Birth;

House Bill No. 70, Act 16, An Act Making Certificates of Hawaiian Birth Issued Under and by the Department of Commerce and Labor of the United States of America Prima Facie Evidence of the Facts Therein Stated Before Territorial Courts and Registration Boards;

House Bill No. 69, Act 17, An Act to Amend Sections 2 and 7 of Act 100 of the Session Laws of 1905, Relating to Bonds of Public Officers.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 75) from the House of Representatives, transmitting House Bill No. 108, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 11, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 108, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 108 entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means, by Raising and Appropriating the Necessary Funds therefor."

The Bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Quinn, passed First Reading.

A Communication (No. 76) from the House of Representatives, informing the Senate of its non-concurrence in the amendment made to House Bill No. 18, and of the appointment of a Conference Committee, was read by the Clerk as follows:

● HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 12, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendment made by your Honorable Body

to House Bill No. 18, and that the Speaker has appointed the following Conferees from the House:

Honorables Sheldon, Douthitt and Furtado.

Respectfully,

EDWARD WOODWARD.

Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee on House Bill No. 18:

Senators Knudsen, Chillingworth and Makekau.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act Relating to the Militia, Amending Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii, Adding New Sections thereto to be known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B, and Repealing Sections 130, 141, 142 and 166."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 91) entitled "An Act Relating to the Militia Amending Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii, Adding New Sections thereto to be known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B, and Repealing Sections 130, 141, 142 and 166."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Kalama gave notice of intention to introduce the following Bills:

"An Act to Amend Section 1806 of the Revised Laws of Hawaii, Relating to the Lien of District Court Judgments."

"An Act to Amend Section 4 of Act 23 of the Session Laws of 1905, Relating to the Filing of Plans and Surveys of Land in the Office of the Registrar of Conveyances, and to Add a New Section to said Act to be known as Section 4A."

Under suspension of the Rules, Senator Kalama introduced a Bill (S. B. No. 92) entitled "An Act to Amend Section 4 of Act 23 of the Session Laws of 1905, Relating to the Filing of Plans and Surveys of Land in the Office of the Registrar of Conveyances, and to Add a New Section to said Act to be known as Section 4A."

The Bill was read by title and, upon motion of Senator Kalama, seconded by Senator McCarthy, passed First Reading

and was referred to the Committee on Enrollment, Revision and Printing.

Senator Kalama introduced a Bill (S. B. No. 93) entitled "An Act to Amend Section 1806 of the Revised Laws of Hawaii, Relating to the Lien of District Court Judgments."

The Bill was read by title and, upon motion of Senator Kalama, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Makekau moved to reconsider the action taken on Senate Bill No. 29. Seconded by Senator Brown and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Makekau, McCarthy, Moore, Robinson and Woods—9.

Noes: Senators Chillingworth, Fairchild, Kalama, Knudsen, Quinn and Mr. President—6.

Under the head of Unfinished Business, the Senate took up for consideration Senate Bill No. 29 entitled "An Act to Amend Act 119 of the Session Laws of 1907, entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905,'" on Second Reading.

Senator McCarthy moved to amend the Enacting Clause so as to read "Be it Enacted by the Legislature of the Territory of Hawaii." Seconded by Senator Moore and carried.

Senator McCarthy moved that the Bill pass Second Reading as amended. Seconded by Senator Brown and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—10.

Noes: Senators Chillingworth, Fairchild, Kalama, Knudsen and Mr. President—5.

Senator McCarthy moved that the Third Reading of the Bill be deferred until Wednesday, March 19th, 1909, at 2 o'clock in the afternoon. Seconded by Senator Moore and carried.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 48 entitled "An Act to Repeal Sections 1057 and 1060 of the Revised Laws of Hawaii, Relating to Manufacture of Poi."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 112 entitled "An Act to Amend Section 115, Chapter 12, of the Revised Laws of Hawaii, Relating to Holidays."

Upon motion of Senator Kalama, seconded by Senator

Woods, the Bill was referred to the Committee on Judiciary.

At 10:33 o'clock Senator Chillingworth moved to take a recess until 2 o'clock. Seconded by Senator McCarthy and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 77) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 51, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 12, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 51.

Respecttully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Chillingworth for the Select Committee on the Nuuanu Dam and Reservoir No. 4 reported verbally having visited the Dam and that the Committee would report in writing more fully later on.

Under suspension of the Rules, Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1069 of the Revised Laws of Hawaii, Relating to the Practice of Medicine."

Senator Makekau introduced a Bill (S. B. No. 94) entitled "An Act to Amend Section 1069 of the Revised Laws of Hawaii, Relating to the Practice of Medicine."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act for the Relief of John A. Cummins."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 95) entitled "An Act for the Relief of John A. Cummins."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 2:06 o'clock, upon motion of Senator Coelho, seconded by Senator Chillingworth, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTY-FIRST DAY.

Saturday, March 13th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth, Robinson (excused) and Woods absent.

The Journal of the Twentieth Day was read and, upon motion of Senator Coelho, seconded by Senator Knudsen, approved as read.

A Communication (No. 78) from the House of Representatives, transmitting House Bill No. 125, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 12, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 125,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 125 entitled "An Act to Amend Act 118 of the Session Laws of 1907 of the Territory of Hawaii, entitled 'An Act Incorporating the City and County of Honolulu'."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Coelho, passed First Reading.

A Communication (No. 22) from Wm. Fred Kaae, County Clerk, County of Maui, transmitting Copies of Resolutions Nos. 128, 129, 131, 132, 133, 134, 135 and 136, adopted by the Board of Supervisors of the County of Maui, was read by the Clerk as follows:

BOARD OF SUPERVISORS

COUNTY OF MAUI

TERRITORY OF HAWAII.

Wailuku, Maui, T. H., March 12, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu, T. H.

Dear Sir:—I have the honor to enclose herewith copies of resolutions adopted by the Board of Supervisors of the County of Maui which are self-explanatory. I sincerely hope you will assist us by lending your influence to the success of the sentiments as expressed by the several resolutions.

I have the honor to remain,

Yours very respectfully,

WM. FRED KAAE,
County Clerk, County of Maui.

(COPY)

Wailuku, Maui, T. H., March 12, 1909.

RESOLUTION NO. 128.

Presented by T. B. Lyons, Supervisor.

BE IT RESOLVED by the Board of Supervisors of the County of Maui, Territory of Hawaii,

That it is the sense of this Board that the prosecution and conduct of all criminal cases be placed in the hands of the County Attorneys' Department.

Seconded by W. P. Haia, Supervisor.

BOARD OF SUPERVISORS	Ayes	Noes
W. F. Pogue, Chairman	x	
T. B. Lyons, Vice-Chairman	x	
W. P. Haia	x	
Geo. Kauhi	x	
T. T. Meyer		
Total		4

(Sgd)

WM. FRED KAAE,

Clerk of the Board of Supervisors for the County of Maui.

(COPY)

Wailuku, Maui, T. H., March 12th, 1909.

RESOLUTION NO. 129.

Presented by W. P. Haia, Supervisor.

BE IT RESOLVED by the Board of Supervisors of the County of Maui, Territory of Hawaii,

That this Board is unalterably opposed to the passage of House Bill No. 44, introduced February 19th, 1909, by Hon. M. P. Waiwaiole in the Lower House of the Legislature of this Territory. The object of this Bill is to change the date of the meetings of the Board of Supervisors of the County of Maui from the first Wednesday after the 5th day of each month to the first Wednesday of each month.

No possible good can be derived from the passage of this Bill, and on the other hand a great deal of hardship and inconvenience would be caused should the same become law.

The County of Maui is composed of several islands and various remote districts, and it would be impossible to have the pay rolls of laborers working in the outer districts made up and presented to the Board, should the date of the meetings of the Board be fixed so near the first of the month as this Bill intends. This would necessitate payment of these demands being deferred until after the meeting of the Board during the following month.

The date of the meetings of the Board of Supervisors of this County should remain as at present, and the Bill above referred to cannot be too strongly condemned.

This Board urges the support and co-operation of all members of the Legislature of the Territory to assist in the defeat of this proposed legislation.

Seconded by G. Kauhi, Supervisor.

BOARD OF SUPERVISORS	Ayes	Noes
W. F. Pogue, Chairman	x	
T. B. Lyons, Vice-Chairman	x	
W. P. Haia	x	
Geo. Kauhi	x	
T. T. Meyer		
		—
Total	4	

(Sgd) WM. FRED KAAE,
Clerk of the Board of Supervisors for the County of Maui.

(COPY)

Wailuku, Maui, T. H., March 12th, 1909.

RESOLUTION NO. 131.

Presented by T. B. Lyons, Supervisor.

BE IT RESOLVED by the Board of Supervisors of the County of Maui, Territory of Hawaii,

That this Board is heartily in favor of the passage of a law by the Legislature which will make fines, costs and forfeitures of bail in all cases before District Magistrates a County realization.

Practically all of the expenses incurred for the prosecution of criminal cases before District Magistrates is borne by the Counties, and it appears to this Board that the Counties in turn should receive the benefit of the result of these prosecutions.

Seconded by W. P. Haia, Supervisor.

BOARD OF SUPERVISORS	Ayes	Noes
W. F. Pogue, Chairman	x	
T. B. Lyons, Vice-Chairman	x	
W. P. Haia	x	
Geo. Kauhi	x	
T. T. Meyer		
		—
Total	4	

(Sgd) WM. FRED KAAE,
Clerk of the Board of Supervisors for the County of Maui.

(COPY)

Wailuku, Maui, T. H., March 12th, 1909.

RESOLUTION NO. 132.

Presented by G. Kauhi, Supervisor.

BE IT RESOLVED by the Board of Supervisors of the County of Maui, Territory of Hawaii,

That the Board of Supervisors of the County of Maui is opposed to the passage of Senate Bill No. 55, introduced in the Senate by Hon. H. T. Moore, on February 27th, 1909.

Seconded by W. P. Haia, Supervisor.

BOARD OF SUPERVISORS	Ayes	Noes
W. F. Pogue, Chairman	x	
T. B. Lyons, Vice-Chairman	x	
W. P. Haia	x	
Geo. Kauhi	x	
T. T. Meyer		
<hr/>		
Total	4	

(Sgd) WM. FRED KAAE,

Clerk of the Board of Supervisors for the County of Maui.

(COPY)

Wailuku, Maui, T. H., March 12th, 1909.

RESOLUTION NO. 133.

Presented by W. P. Haia, Supervisor.

BE IT RESOLVED by the Board of Supervisors of the County of Maui, Territory of Hawaii,

That this Board is strongly in favor of the passage of the Bill introduced in the Legislature at the present session thereof by Hon. E. B. Carley, appropriating \$100,000.00 for the construction of a water-pipe line through the District of Kula on this island.

It is the sense of this Board that no Bill pending before the Legislature is more necessary of passage than the one above referred to, and further that the money sought to be appropriated could not be expended for a more worthy purpose than for the relief of the long suffering residents of the District of Kula.

Seconded by T. B. Lyons, Supervisor.

BOARD OF SUPERVISORS	Ayes	Noes
W. F. Pogue, Chairman	x	
T. B. Lyons, Vice-Chairman	x	
W. P. Haia	x	
Geo. Kauhi	x	
T. T. Meyer		

Total	4	

(Sgd) WM. FRED KAAE,
Clerk of the Board of Supervisors for the County of Maui.

(COPY)

Wailuku, Maui, T. H., March 12th, 1909.

RESOLUTION NO. 134.

Presented by W. P. Haia, Supervisor.

BE IT RESOLVED by the Board of Supervisors of the County of Maui, Territory of Hawaii,

That this Board favors the passage of a law by the present Legislature in accordance with the recommendation of the Governor in his message to the Legislature whereby the prosecution of all criminal cases will be placed entirely in the hands of the County Attorneys of the various Counties.

Seconded by T. B. Lyons, Supervisor.

BOARD OF SUPERVISORS	Ayes	Noes
W. F. Pogue, Chairman	x	
T. B. Lyons, Vice-Chairman	x	
W. P. Haia	x	
Geo. Kauhi	x	
T. T. Meyer		

Total	4	

(Sgd) WM. FRED KAAE,
Clerk of the Board of Supervisors for the County of Maui.

(COPY)

Wailuku, Maui, T. H., March 12th, 1909.

RESOLUTION NO. 135.

Presented by G. Kauhi, Supervisor.

BE IT RESOLVED by the Board of Supervisors of the County of Maui, Territory of Hawaii,

That this Board is in favor of the passage by the Legislature of the Territory of a law amending Section 3 of Act 89 of the Session Laws of 1905 wherein a specific tax of twenty dollars each is laid against all automobiles.

It appears to this Board that this is an unjust taxation, and that this law should be repealed and substituted by an act requiring a tax of 2% of the assessed value thereof to be levied against all automobiles.

Seconded by W. P. Haia, Supervisor.

BOARD OF SUPERVISORS	Ayes	Noes
W. F. Pogue, Chairman	x	
T. B. Lyons, Vice-Chairman	x	
W. P. Haia	x	
Geo. Kauhi	x	
T. T. Meyer		
Total	4	

(Sgd) WM. FRED KAAE,
Clerk of the Board of Supervisors for the County of Maui.

(COPY)

Wailuku, Maui, T. H., March 12th, 1909.

RESOLUTION NO. 136.

Presented by W. P. Haia, Supervisor.

BE IT RESOLVED by the Board of Supervisors of the County of Maui, Territory of Hawaii,

That this Board is unanimously opposed to the passage by the Legislature of House Bill No. 52 introduced by Hon. M. P. Waiwaiole, in the Lower House of the Legislature, February 20th, 1909.

This Bill attempts to regulate matters of detail which in the opinion of this Board, should be left with the Supervisors of each County.

Seconded by G. Kauhi, Supervisor.

BOARD OF SUPERVISORS	Ayes	Noes
W. F. Pogue, Chairman	x	
T. B. Lyons, Vice-Chairman	x	
W. P. Haia	x	
Geo. Kauhi	x	
T. T. Meyer		
Total	4	

(Sgd) WM. FRED KAAE,
Clerk of the Board of Supervisors for the County of Maui.

Resolution No. 128 was ordered referred to the Committee on Judiciary.

Resolution No. 129 was ordered laid on the table to be taken up with House Bill No. 44 on March 17th, 1909.

Resolution No. 131 was ordered laid on the table to await the Report of the Committee on Ways and Means on the same subject.

Resolution No. 132 was ordered referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Resolution No. 133 was ordered referred to the Committee on Ways and Means.

Resolution No. 134 was ordered referred to the Committee on Judiciary.

Resolution No. 135 was ordered referred to the Select Committee on Taxation.

Resolution No. 136 was ordered received and placed on file.

Senator Brown presented the Report (No. 91) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 89, 90, 92 and 93, as follows:

Honolulu, T. H., March 13, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 89, 90, 92 and 93 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 92) of the Committee on Ways and Means on House Bill No. 24, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 12, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 24, entitled "An Act Making Special Ap-

propriations for the Payment of Certain Claims against the Territory of Hawaii incurred during the Biennial Period ending the 30th day of June, 1907, begs leave to report that it has had the same under careful consideration, and would recommend its passage with the following amendments:

Amend the title so as to read "An Act Making Special Appropriations for the Payment of Certain Claims against the Territory of Hawaii incurred prior to June 30, 1907."

Strike out the item "Honolulu Rapid Transit & Land Co., \$40.00" under the head of "Attorney General."

Add the following item:

"P. L. Weaver, Expenses incurred in 1903.....\$450.00"

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
JOHN T. BROWN,
E. W. QUINN,
H. T. MOORE.

Upon motion of Senator Fairchild, seconded by Senator Kalamā, the Report of the Committee was adopted.

Senator Fairchild for the Committee on Ways and Means returned Senate Bill No. 72 to the Senate.

The Bill was ordered laid on the table.

Senator Fairchild presented the Report (No. 93) of the Committee on Ways and Means on Senate Bill No. 53, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 12, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 53, entitled "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period ending the thirtieth day of June, A. D. 1909," begs leave to report that it has had the same under careful consideration and would recommend its passage with the following amendments:

Under the head of "Superintendent of Public Works" amend item "Wailuku Court House, \$584.00" so as to read "Claim of A. P. MacDonald, \$584.00."

Insert the following new items after the above item:

"Construction of Sewers, Kapalama District, Honolulu, \$1,500.00."

Increase item "Repairs and Maintenance, School Property, Including Janitors Service, all schools", from \$2,000.00 to \$3,500.00.

Amend item "Kalihi Quarantine Hospital, \$5,000.00", so as to read "Kalihi Receiving Station, \$5,000.00."

Strike out the item "P. L. Weaver, Land Court, \$456.00," under the head of "Attorney General's Department."

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
JOHN T. BROWN,
E. W. QUINN,
W. J. COELHO,
H. T. MOORE.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Fairchild presented the Report (No. 94) of the Committee on Ways and Means on Senate Bill No. 71, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 12, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 71, entitled "An Act to appropriate Money for the Payment of the Trustees of the Estate of Bernice Pauahi Bishop for the Taking of Certain Lands by the Territory," begs leave to report that it has had the same under careful consideration, and would report as follows:

Your Committee has carefully investigated the merits of this Bill and find that owing to the error of a Government Surveyor, now deceased, these certain homesteads were located by the Government upon private lands. This Bill will clear the title of innocent parties.

We further find that the Government is powerless under the law to make the parties responsible for their error, otherwise

your Committee would suggest that action be instituted against them to recover the amount named in this Bill.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
JOHN T. BROWN,
E. W. QUINN,
W. J. COELHO,
H. T. MOORE.

Upon motion of Senator McCarthy, seconded by Senator Knudsen, the Report of the Committee was adopted.

Senator Fairchild presented the Report (No. 95) of the Committee on Ways and Means on Senate Bill No. 19, as follows:

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means to whom was referred Senate Bill No. 19 "An Act to Amend Sections 1380 and 1381 of the Revised Laws of Hawaii relating to Lodging or Tenement Houses, Hotels, Boarding Houses and Restaurants" begs leave to report that it has had the same under careful consideration.

The Bill seeks to raise the fee for lodging or tenement house and to grade the fee for hotel, boarding house and restaurant licenses according to population and locality.

Section 1380 in the original Act provides for a fee of only \$2.00 which we consider too small and wholly inadequate for such a growing metropolis as Honolulu or Hilo. In the Bill, the fee for a "lodging house license" is proposed to be the same as that intended for "tenement houses." This provision the Committee believe will work a hardship upon families of moderate means who might offer accommodations for a few lodgers.

The Committee therefore recommends the words "lodging or" in lines 3 and 4 be stricken out.

The provisions of Section 1381 as in the Bill seems to be fairly graded as to locality and population. The Committee, however, believe that the license fee for a "lodging house" should be graded in the same manner, and so recommends to amend the proposed Section 1381 as follows:

1.—Insert the words "or lodging" after the word "boarding" in line 5:

2.—Insert the words "lodging house or" before the word "restaurant" in lines 8, 11 and 13.

With these amendments the Committee recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
H. T. MOORE.
E. W. QUINN,
JOHN T. BROWN.

Upon motion of Senator Fairchild, seconded by Senator Knudsen, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 96) of the Committee on Ways and Means on Senate Bill No. 30, as follows:

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means to whom was referred Senate Bill No. 30, "An Act relating to Fines and Costs", begs leave to report that it has had the same under careful consideration.

The object of the Bill is to turn over to the Counties all fines and costs in civil and criminal cases in district courts.

Under existing laws prosecution of law violations are conducted under county expense, and the Committee believe, it is just and proper that revenues derived from the enforcement of the law be turned over to the County having jurisdiction.

Your Committee therefore recommends the passage of the Bill with the following amendment: Insert after the word "magistrate" on line 3 the words "including bails forfeited."

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
JOHN T. BROWN,
E. W. QUINN,
H. T. MOORE.

Upon motion of Senator Fairchild, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho presented the Report (No. 97) of the Committee on Public Health on Senate Bill No. 86, as follows:

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Health to whom was referred Senate Bill No. 86, "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii relating to Medicine and Surgery", begs leave to report that it has had the same under careful consideration.

The Bill proposes to add to the present law a provision (commencing from the words "and provided further" in line 9) which would permit the treatment of lepers, asthmatics, consumptives and persons supposed to have leprosy, asthma, consumption or tuberculosis in any form or any case a duly licensed physician may pronounce hopeless and beyond recovery.

The object of the Bill being, to give those afflicted with leprosy, asthma, consumption or tuberculosis the opportunity of availing themselves of any hope of relief which might be offered without subjecting those willing to render them aid to the indignities of prosecution and persecution.

Your Committee is inclined to believe that the restrictions imposed by law have prevented proper tests being made in the past by those who believed in the efficacy of their treatment of the diseases named in the Bill. We know many instances where the professional medico had given up hope, and the insignificant and apparently ignorant herb man saves the abandoned patient.

The Committee therefore recommends the passage of the Bill.

Respectfully submitted,

W. J. COELHO,
Chairman;
F. R. HARVEY.

I do not concur, believing that under the present law ample opportunity is afforded for accomplishing the object aimed at in this Bill.

GEO. H. FAIRCHILD,
Member.

Upon motion of Senator Coelho, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho presented the Report (No. 98) of the Committee on Public Health on Senate Bill No. 23, as follows:

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Health to whom was referred Senate Bill No. 23, being "An Act to Repeal Chapter 81 of the Revised Laws of Hawaii, relating to Vaccination," beg leave to report that after due and careful consideration we find, that the principal objection to the existing law is mainly against the present lack of proper restrictions to prevent the vaccination of children without any attempt at protecting them from imparting or taking disease by means of the agency in command of the vaccinating officer.

The objectionable feature of the Chapter as now exists would be eliminated if proper safeguards are enacted. It is the opinion of the Committee, that with the repeal of Sections 1017 and 1018 as proposed by House Bill No. 55 as amended and an amendment to Senate Bill No. 23 as herein below submitted, will meet all the requirements of law as a safeguard to the community.

The Committee therefore recommends the following amendments be made and the Bill pass:

1.—Amend title to read:

"An Act to Amend Section 1019 of the Revised Laws of Hawaii relating to Vaccination."

2.—Amend "Section 1" to read:

Section 1. Section 1019 of the Revised Laws of Hawaii is hereby amended to read as follows:

Section 1019. Manner of Vaccination. No child shall be vaccinated except in the presence, or with the consent in writing of the parent or guardian, and then only by a duly licensed and authorized physician who shall use for such vaccination bovine virus only, obtained from standard manufacturers; such vaccination shall be only by means of points put up in hermetically sealed tubes or other antiseptic receptacles; each receptacle shall be opened immediately before a point is to be used, in the presence of the person to be vaccinated, and no point shall be used for the vaccination of more than one person.

Any person violating any provision in this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment not to exceed one year, or by both such fine and imprisonment."

Respectfully submitted,

W. J. COELHO,
Chairman.
F. R. HARVEY.

I concur in the passage of Senate Bill No. 23 as amended except the words of "in writing."

GEO. H. FAIRCHILD.

Upon motion of Senator Coelho, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho presented the Report (No. 99) of the Committee on Public Health on House Bill No. 55, as follows:

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Health to whom was referred House Bill No. 55 being "An Act to repeal Section 1018 of the Revised Laws of Hawaii relating to Certificates of Vaccination" begs leave to report that it has had the same under careful consideration.

The Bill seeks to repeal a law which prohibits the admission of a child in any school without producing a certificate of vaccination and providing for a penalty to be imposed on teachers who admit such child to school.

On investigation, we find that this law has never been enforced because of the unjust provisions made therein. It prohibits the admission to school of any healthy child of school age to any school where no proper facilities are made for the vaccination of children. Temporary admission to school is not allowable by the law, were it to be interpreted strictly in accordance with its provisions.

The Committee find further, that Sections 1017 and 1019 pertaining to vaccination by physicians and use of bovine virus could be made into one section in order to make specific provisions to regulate the manner of vaccination, whereby all objections now made to the general vaccination scheme as exists in Hawaii, would be removed.

The Committee therefore recommends the passage of the Bill with the following amendments:

1.—Amend title to read: "An Act to Repeal Sections 1017 and 1018 of Chapter 81 of the Revised Laws of Hawaii Relating to Vaccination."

2.—Amend "Section 1" to read:

"Section 1. Sections 1017 and 1018 of the Revised Laws of Hawaii are hereby repealed."

Respectfully submitted,

W. J. COELHO,

Chairman;

F. R. HARVEY,

GEO. H. FAIRCHILD.

Upon motion of Senator Coelho, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho offered the following Resolution (No. 40) that the Treasurer furnish the Senate with a copy of letter of protest from Jas. F. Morgan, etc.:

RESOLUTION.

RESOLVED, that the Treasurer of the Territory of Hawaii be and he is hereby requested to forthwith send to the Senate a copy of the letter of protest received by him from Jas. F. Morgan, Auctioneer, dated last November, concerning the abuse of the privilege of a Merchandise Broker's license which was issued to the Hawaiian Fisheries, Ltd., a company of Japanese subjects; submitting also, his reply to the same.

RESOLVED FURTHER, that the said Treasurer also furnish the Senate with a statement of his action in the matter of the said protest, the correspondence between him as Treasurer and Mr. A. L. C. Atkinson, the attorney of the said Hawaiian Fisheries, Ltd., and the opinion of the Attorney General, if any, relative to the application of the said Hawaiian Fisheries, Ltd.

W. J. COELHO,
Senator, 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Woods and carried.

Senator Coelho offered the following Resolution (No. 41) requesting the Commissioner of Public Lands to furnish certain information relative to the School Lands at Makawao known as the Pihiolo Lands:

RESOLUTION.

RESOLVED, that the Commissioner of Public Lands be and he is hereby requested to reply to the following questions forthwith and in writing:

1.—What has been done, if anything, or what disposition made of the 4000 acres of the Makawao School Lands known as Pihiolo Lands?

2.—What do you intend to do with it, application for same having been filed to have same disposed of for homesteads?

W. J. COELHO,
Senator, 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Harvey and carried.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 58 entitled "An Act to Amend Section 1221 of the Revised Laws, Relating to Property Exempt from Taxation."

Senator Knudsen moved that the Bill be amended in accordance with the Report of the Committee and further amended by striking out the words "shall be exempt from taxation" at the end of Section 1. Seconded by Senator Moore and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator Fairchild and carried.

Senator Coelho moved that House Concurrent Resolution No. 5 be deferred until March 17th, 1909. Seconded by Senator Brown and carried.

Second Reading of House Bill No. 108 entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory, through Immigration and other Means, by Raising and Appropriating the Necessary Funds therefor."

Referred to Select Committee on Taxation.

Second Reading of Senate Bill No. 89 entitled "An Act to Amend Section 1418F, Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Session Laws of 1907, Relating to Merchandise Brokers."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 90 entitled "An Act to Provide for a Public Administrator and to Define his Powers and Duties."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 92 entitled "An Act to Amend Section 4 of Act 23 of the Session Laws of 1905, Relating to the Filing of Plans and Surveys of Land in the Office of the Registrar of Conveyances, and to Add a New Section to said Act to be known as Section 4A."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 93 entitled "An Act to Amend Section 1806 of the Revised Laws of Hawaii, Relating to the Lien of District Court Judgments."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 19 entitled "An Act to Amend Sections 1380 and 1381 of the Revised Laws of Hawaii, Relating to Lodging or Tenement Houses, Hotels, Boarding Houses and Restaurants."

Senator Coelho moved to insert the words "estimated to be" after the words "village is" in line 9 of Section 1. Seconded by Senator Knudsen and carried.

Senator Coelho moved that the Bill pass Second Reading as amended. Seconded by Senator Fairchild and carried.

Second Reading of Senate Bill No. 30 entitled "An Act Relating to Fines and Costs."

Senator Coelho moved to strike out the word "does" in line 7 of Section 1 and insert in lieu thereof the word "shall." Seconded by Senator Fairchild and carried.

Senator McCarthy moved that the recommendations of the Committee be adopted and that the Bill pass Second Reading as amended. Seconded by Senator Coelho and carried.

Senator McCarthy moved that the Third Reading of the Bill be deferred until called up by the Committee on Ways and Means. Seconded by Senator Knudsen and carried.

Senator Baker moved that Senate Bill No. 9 be laid on the table. Seconded by Senator Knudsen and carried.

Senator Fairchild moved that Senate Bill No. 31 be laid on the table. Seconded by Senator Knudsen and carried.

A Communication (No. 17) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 18, 19, 20, 21 and 22 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 13, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—It affords me pleasure to inform your Honorable Body that the Governor has this day, March 13, 1909, signed the following bills:

House Bill No. 47, Act 18, An Act to Amend Section 1245 of the Revised Laws of Hawaii, as Amended by Section 9 of Act 89 of the Session Laws of 1905;

House Bill No. 48, Act 19, An Act to Repeal Sections 1057 and 1060 of the Revised Laws of Hawaii, Relating to Manufacture of Poi;

House Bill No. 62, Act 20, An Act to Amend Section 2542 of the Revised Laws of Hawaii Relating to the Granting of Charters of Incorporations;

House Bill No. 61, Act 21, An Act to Authorize Certain Public Officials to Designate Persons to Act in Their Absence and to Define the Powers of Persons so Designated;

House Bill No. 51, Act 22, An Act to Define and Regulate the Treatment and Control of Dependent and Delinquent Children.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. At 11:18 o'clock a Message (No. 7) from the Governor, vetoing House Bill No. 98, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR

Territory of Hawaii,

Executive Chamber,

Honolulu, T. H., March 13, 1909.

To the Legislature:

I herewith return House Bill Number 98 entitled "An Act Authorizing the Payment of Certain Persons Employed by the City and County of Honolulu," which I am unable to approve.

It seems that two sets of persons were appointed or employed to perform certain services for the City and County of Honolulu, but that at least some of such persons were so appointed or employed without authority of law and that only a portion of them performed services. The object of the bill appears to be to authorize the payment of wages and salaries to all such persons whether they performed the services or not.

While I should like to approve this bill for some reasons, I find that I cannot do so conscientiously. The Legislature and the Governor are in positions of public trust. The money, the expenditure of which may be authorized by legislation, is not their money, but the people's. It would be entirely justifiable to authorize payment for services actually rendered and the benefit of which the City and County has received, even though the persons who performed the services had not been legally appointed, but to pay others who neither were legally appointed nor performed the services would in my opinion be an unjustifiable application of the people's money, and would tend to demoralization and laxity in the administration of public trusts by both territorial and local governments.

WALTER F. FREAR,
Governor of Hawaii.

Senator Chillingworth moved to reconsider the passage of the Bill on the Veto of the Governor. Seconded by Senator Fairchild and carried.

Senator Woods moved that further action on the Bill be deferred until Tuesday, March 16th, 1909. Seconded by Senator Brown and carried.

The Senate proceeded with the consideration of Senate Bill No. 86 entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

Upon motion of Senator Coelho, seconded by Senator Harvey, the Bill passed Second Reading.

Second Reading of Senate Bill No. 23 entitled "An Act to Repeal Chapter 81 of the Revised Laws of Hawaii."

Senator Coelho moved to adopt the Report of the Majority of the Committee. Seconded by Senator Harvey.

The President here called the Vice-President to the Chair.

Senator Makekau moved that the Bill be postponed until March 18th, 1909, and that typewritten copies of the Bill as amended by the Majority of the Committee be furnished the Members. Seconded by Senator Smith and carried.

Second Reading of House Bill No. 55 entitled "An Act to Repeal Section 1018 of the Revised Laws of Hawaii, Relating to Certificates of Vaccination."

Upon motion of Senator Chillingworth, seconded by Senator Fairchild, action on the Bill was deferred until March 18th, 1909.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 100) of the Committee on Judiciary on House Bill No. 15, as follows:

Honolulu, T. H., March 12, 1909.

Honorable W. O. Smith,
President of the Senate,
Territory of Hawaii.

Sir:—The Judiciary Committee, to whom was referred House Bill No. 15, entitled "An Act Providing for the Maintenance and Support of the Family of a Deceased Person Pending the Administration of his Estate, and making Provision for a Homestead for such Family", report that it has had the same under consideration, and recommend that the Bill be amended by striking out the second, third and fifth paragraphs of Section 1, and amending the title so as to read "An Act Providing for the Maintenance and Support of the Family of a Deceased Person Pending the Administration of his Estate", and with these amendments recommend the passage of the Bill.

The main object of the Bill is to provide for the support and maintenance of the family of a deceased person pending the administration of his estate, and your Committee is of opinion that a reasonable provision should be made for such persons, but are of opinion that the provisions in the second, third and fifth paragraphs deal with the subjects of inheritance and descent of property and would appear to be in conflict with Section 45 of the Organic Act of the Territory which provides that each law shall embrace but one subject.

The first paragraph of Section 1 provides that the family of the deceased shall be entitled to remain in possession of the homestead, if any, the wearing apparel of the family, and all of the household furniture, and are also entitled to a reasonable provision for their support to be allowed by the Court having jurisdiction of the estate; and the fourth section provides that any allowance made by the Court must be paid in preference to all other charges, except funeral charges and expenses of administration, and that the allowance made by the Court may take effect from the death of the decedent.

These provisions seem to the Committee to be sufficient for the needs of the family of a deceased person pending administration of his estate.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Kalama, seconded by Senator Harvey, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 101) of the Committee on Judiciary on House Bill No. 17, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 13, 1909

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was recommitted House Bill No. 17, entitled "An Act to Amend Section 23 of An Act entitled 'An Act Incorporating the City and County of Honolulu,' Being Act 118 of the Session Laws of 1907," begs leave to report that it has had the same under careful consideration.

Your Committee believes that in order to give the City and County of Honolulu the powers that it should have, it is proper that the powers here asked for should be granted, and therefore recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Kalama, seconded by Senator Chillingworth, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 102) of the Committee on Judiciary on Senate Bill No. 85, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 13, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 85, entitled “An Act to Amend Section 78 of Act 118 of the Session Laws of 1907, entitled ‘An Act Incorporating the City and County of Honolulu,’ ” begs leave to report that it has had the same under careful consideration.

The object of the Bill is to strike out the last 3 lines of Section 78, removing the clause that prevents the Mayor from engaging in any other profession. It also raises the Salary of the Mayor's Secretary from \$1,200.00 to \$1,800.00 per annum. In regards to this amendment your Committee makes no recommendation.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 103) of the Committee on Judiciary on Senate Bill No. 88, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 13, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 88, entitled "An Act to Amend Section 2174 of the Revised Laws of Hawaii, Relating to Liens of Mechanics and Material Men," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to change the time during which Liens of Mechanics and Material Men may be filed from 90 days to 45 days.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Kalama, seconded by Senator Knudsen, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 104) of the Committee on Judiciary on Senate Bill No. 3, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 13, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was recommended Senate Bill No. 3, entitled "An Act to Provide an Hospital in the District of Lahaina, Island of Maui," begs leave to report that it has had the same under careful consideration, and would recommend its passage as amended by the Report of the Committee on Public Health with the following amendment:

Insert the words "from time to time" after the word "appoint" in Section 3.

Respectfully submitted,
 ERIC A. KNUDSEN,
 Chairman;
 CHAS. F. CHILLINGWORTH,
 R. H. MAKEKAU.

Upon motion of Senator Kalama, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Woods gave notice of intention to introduce a Bill entitled "An Act to Provide for the Vesting of Title of Trust Estates."

Under suspension of the Rules, Senator Woods introduced a Bill (S. B. No. 96) entitled "An Act to Provide for the Vesting of Title of Trust Estates."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Woods, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Amend Section 60 of Chapter 13 of Act 39 of the Session Laws of 1905, as Amended by Act 54 of the Session Laws of 1905, and as further Amended by Act 49 of Session Laws of 1907."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 97) entitled "An Act to Amend Section 60 of Chapter 13 of Act 39 of the Session Laws of 1905, as Amended by Act 54 of the Session Laws of 1905, and as further Amended by Act 49 of the Session Laws of 1907."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Chillingworth moved that the Clerk be instructed to furnish the Members with typewritten copies of the Message (No. 7) of the Governor, vetoing House Bill No. 98. Seconded by Senator Woods and carried.

At 11:54 o'clock, upon motion of Senator Coelho, seconded by Senator Woods, the Senate adjourned.

WILLIAM SAVIDGE,
 Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
 President of the Senate.

TWENTY-SECOND DAY.

Monday, March 15th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Fairchild, Kalama, Robinson (excused) and Woods absent.

The Journal of the Twenty-first Day was read and, upon motion of Senator Moore, seconded by Senator Quinn, approved as read.

A Communication (No. 18) from A. J. Campbell, Treasurer of the Territory of Hawaii, replying to Senate Resolution No. 26, was read by the Clerk as follows:

OFFICE OF THE TREASURER

Territory of Hawaii.

Honolulu, Oahu, March 13, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—In reply to the Resolution passed by your Honorable Body on the 26th ult., which reads as follows:

“RESOLUTION.

BE IT RESOLVED that the Treasurer of the Territory be, and he is hereby, requested to furnish this Honorable Body with a complete list of all persons delinquent in their Taxes, giving the names of such delinquents, the Amount of Taxes due, and the reasons for not collecting the taxes when due, such data to be furnished within one week.”

I herewith transmit the delinquent tax list for the calendar year 1908 and beg leave to submit the following:

There is no law authorizing the writing off of an assessment after the tax books for the calendar years in which the assessments are made have been closed. Consequently the record of delinquents extends back for years and many accounts are carried in it against people who have long since died, left the country, become bankrupt, claim to be U. S. Seamen or where liens have expired and the original party assessed is unable to pay. Accounts are also carried against individuals who have been

assessed for the same year under different names; this particularly applies to personal taxes assessed against Chinese and Japanese. It is therefore safe to say that at least 50% of the amount carried on the books as delinquent taxes is not collectable.

It is difficult to give all the reasons which might be advanced to account for the non collection of all the taxes as soon as they become delinquent.

There are always some accounts in litigation and other accounts left in abeyance awaiting the decisions on the law points involved.

Some delinquents resort to the installment plan and are gradually paying up.

In many cases where judgments against taxpayers have been obtained, executions have been returned unsatisfied.

Prior to 1906 liens for taxes, good for two years only, were not prior liens and the value of the equity of the taxpayer in the property assessed was all that could be sold. The results for foreclosures in many cases of this kind were not sufficient to cover the expense incurred in advertising, examining, title, etc., and the taxes still remain a charge on the books.

Prior to 1907 a garnishee was only good in case the garnisheed owed the delinquent at the time the garnishee was made. Many delinquents took advantage of this and kept their accounts with their employers overdrawn.

Many assessments have been made against people, who disposed of their property and left the Territory prior to the date of delinquency. This of course applies to people who did not own real estate and who were assessed for personal property and income taxes.

COLLECTING WHEN DUE. Very little can be done in the nature of aggressive work in the collection of taxes until they become delinquent; however, prior to May 15 of each year, the delinquent date of the first payment, a card is mailed to each taxpayer setting forth the amount and kinds of taxes due by him; and during the months of January and February when the different deputies are around assessing property, some small amounts are collected. No other or special effort is made to collect the property, specific and income taxes before they become delinquent, except in cases where it has come to the knowledge of the assessors, that the parties assessed were disposing of their property for the purpose of leaving the Territory; although considerable work is done towards getting the personal taxes collected prior to March 31, the date on which the tax becomes delinquent.

DELINQUENTS. The books of the various tax offices show that on December 31, 1908, there remained unpaid on account of all assessments of property, specific, personal and income taxes made prior to January 1, 1909, \$278,337.69, this amount therefore represents the total of original taxes due the Territory. When any of these delinquent taxes are collected the proper penalty, interest and costs on same are also collected.

Work on the collection of delinquent taxes is pushed after the delinquent dates, as may be seen from the following table which shows the collection of delinquent taxes during the calendar years 1904, 1905, 1906, 1907 and 1908:

Year	Original Tax	10% Penalty	Interest	Cost	Total
1904	\$119,740.80	\$11,974.08	\$ 152.89	\$ 2,321.36	\$134,189.13
1905	115,447.80	11,544.78	204.34	3,875.73	131,072.65
1906	125,040.40	12,504.04	4,527.13	3,056.60	145,128.17
1907	97,234.90	9,723.49	6,500.36	1,834.74	115,293.49
1908	88,749.50	8,874.95	7,700.84	4,179.83	109,505.12
Totals ..	\$546,213.40	\$54,621.34	\$19,085.56	\$15,268.26	\$635,188.56

More definite data available for the three calendar years 1906, 1907 and 1908 shows that of the \$5,379,458.82 due the Territory for taxes as per the assessments of these years \$331,440.00 or 6% went delinquent and that by December 31 of each of these years 50% of the delinquencies incurred during each year was collected, leaving an average of 3% of the taxes assessed each year to be transferred at the end of the year to the delinquent books.

The total collection of delinquent taxes during these same three years was as follows:

Original Tax	\$311,024.80
10% Penalty	31,102.48
Interest	18,728.33
Costs	9,071.17
Total	\$369,926.78

that is \$38,468.78 more was collected on account of delinquent taxes than the delinquencies incurred during that time amounted to.

Each little tax suit involves an immense amount of detail work and consumes time. The need of a more summary method of enforcing the payment of delinquent taxes is much felt. The recommendations in the report of the Tax Commission on this point, if enacted into law, will materially help.

The tables contained in my report on pages 25 to 30 give a fair idea of the work that is being done in the tax offices.

Hoping this covers the information required and with regrets that this data could not be presented sooner,

I remain,

Respectfully yours,

A. J. CAMPBELL,

Treasurer, Territory of Hawaii.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Communication was referred to the Committee on Enrollment, Revision and Printing.

Senator Brown presented the Report (No. 105) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 91 and 95 as follows:

Honolulu, T. H., March 15, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 91 and 95 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McARTHUR.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen presented the Report (No. 106) of the Committee on Judiciary on Senate Bill No. 61 as follows:

SENATE CHAMBER,

Honolulu, T. H., March 13th, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 61, entitled "An Act to Provide for Validat-

ing the Incorporation of Railway and Transportation Companies, heretofore Incorporated under Charters granted by the Treasurer of the Territory of Hawaii, with the consent of the Governor, or by their Predecessors in Office, and certain Contracts made and Acts and Proceedings had under said Charters and Amendments thereto, and in Reference thereto, and the Granting thereof," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of this Bill is to validate the Railroads, whose Charters have been made invalid by the decision of the Supreme Court in re Pearl Harbor Traction Company.

Your Committee believes that the relief prayed for should be granted, but recommends that the Preamble, together with the words "Now Therefore" be stricken out.

With this amendment your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

Senator McCarthy presented the Report (No. 4) of the Select Committee on Election Laws on Senate Bill No. 8, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 15, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Dear Sir:—Your Select Committee on Election Laws, begs leave to report that it has had Senate Bill No. 8, entitled "An Act to Provide for Nominations by Direct Vote," together with a Bill on the same subject framed by the Civic Federation, under consideration.

Senate Bill No. 8 was drafted by Judge Whitney and your Committee feels that the information which he has on the subject had better be given by him to the Senate in Committee of

the Whole and we therefore recommend that Senate Bill No. 8 be taken up in Committee of the Whole on Monday, March 15, at 2 o'clock.

Respectfully,

C. J. McCARTHY,

Chairman.

ERIC A. KNUDSEN,

R. H. MAKEKAU,

CHAS. F. CHILLINGWORTH.

Upon motion of Senator McCarthy, seconded by Senator Knudsen, the Report of the Committee was adopted.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act to Encourage Saving among School Children."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 98) entitled "An Act to Encourage Saving among School Children."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Brown gave notice of intention to introduce a Bill entitled "An Act to Provide for the Sanitary Regulation of Dairies, of the Production, Storing, Handling of Milk and Cream for sale."

Under suspension of the Rules, Senator Brown introduced a Bill (S. B. No. 99) entitled "An Act to Provide for the Sanitary Regulation of Dairies, of the Production, Storing, Handling of Milk and Cream for Sale."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 3 entitled "An Act to Authorize the Board of Supervisors of each County to Establish and Maintain Hospitals."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn and Mr. President—12.

Noes: 0.

Not Present: Senators Kalama, Robinson and Woods—3.

Third Reading of Senate Bill No. 19 entitled "An Act to Amend Sections 1380 and 1381 of the Revised Laws of Hawaii, Relating to Lodging or Tenement Houses, Hotels, Boarding Houses and Restaurants."

Senator Coelho moved to insert the word "a" before the words "hotel," "boarding house" and "restaurant" in lines 11, 15, 16 and 18 of Section 1. Seconded by Senator Harvey and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn and Mr. President—12.

Noes: 0.

Not Present: Senators Kalama, Robinson and Woods—3.

Third Reading of Senate Bill No. 53 entitled "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period Ending the Thirtieth Day of June, A. D. 1909."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn and Mr. President—12.

Noes: 0.

Not Present: Senators Kalama, Robinson and Woods—3.

Third Reading of Senate Bill No. 58 entitled "An Act to Amend Section 1221 of the Revised Laws, Relating to Property Exempt from Taxation."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn and Mr. President—12.

Noes: 0.

Not Present: Senators Kalama, Robinson and Woods—3.

Third Reading of Senate Bill No. 71 entitled "An Act to Appropriate Money for the Payment of the Trustees of the Estate of Bernice Pauahi Bishop for the Taking of Certain Lands by the Territory."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore and Quinn—11.

Noes: 0.

Not Present: Senators Kalama, Robinson and Woods—3.

Not Voting: Mr. President—1.

Third Reading of Senate Bill No. 85 entitled "An Act to Amend Section 78 of Act 118 of the Session Laws of 1907, entitled 'An Act Incorporating the City and County of Honolulu'."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn and Mr. President—12.

Noes: 0.

Not Present: Senators Kalama, Robinson and Woods—3.

Third Reading of Senate Bill No. 86 entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, action on the Bill was deferred until Tuesday, March 16th, 1909.

Third Reading of Senate Bill No. 88 entitled "An Act to Amend Section 2174 of the Revised Laws of Hawaii, Relating to Liens of Mechanics and Material Men."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn and Mr. President—12.

Noes: 0.

Not Present: Senators Kalama, Robinson and Woods—3.

Third Reading of House Bill No. 15 entitled "An Act Providing for the Maintenance and Support of the Family of a Deceased Person Pending the Administration of his Estate."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn and Mr. President—12.

Noes: 0.

Not Present: Senators Kalama, Robinson and Woods—3.

Third Reading of House Bill No. 17 entitled "An Act to Amend Section 23 of an Act entitled 'An Act Incorporating the City and County of Honolulu,' Being Act 118 of the Session Laws of 1907."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn and Mr. President—11.

Noes: 0.

Not Present: Senators Baker, Kalama, Robinson and Woods—4.

Third Reading of House Bill No. 24 entitled "An Act Making Special Appropriations for the Payment of Certain Claims against the Territory of Hawaii, incurred prior to the Thirtieth Day of June, A. D. 1907."

Upon motion of Senator Coelho, seconded by Senator Brown, action on the Bill was deferred until Tuesday, March 16th, 1909.

Second Reading of House Bill No. 125 entitled "An Act to Amend Act 118 of the Session Laws of 1907 of the Territory of Hawaii, entitled 'An Act Incorporating the City and County of Honolulu'."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 91 entitled "An Act Relating to the Militia, Amending Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii, Adding New Sections thereto to be known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B, and Repealing Sections 130, 141, 142 and 166."

Referred to the Committee on Military and Public Expenditures.

Under suspension of the Rules Senator Brown presented the Report (No. 107) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 94, as follows:

Honolulu, T. H., March 15, 1909.

Hon. W. O. Smith,

President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 94 printed and ready for distribution.

Respectfully submitted,

JOHN. T. BROWN,

Chairman.

E. W. QUINN,

C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 108) of the Committee on Ways and Means on Senate Bill No. 63, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 15, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 63, entitled "An Act to Amend Section 14 of Act 119 of the Session Laws of 1907," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to make it possible for the Board of License Commissioners to accept on Bonds approved surety companies without additional sureties.

Your Committee believes the object of the Bill a good one, and therefore recommends its passage.

Respectfully submitted,

H. T. MOORE,
E. W. QUINN,
W. J. COELHO,
JOHN T. BROWN.

Upon motion of Senator McCarthy, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Quinn presented the Report (No. 109) of the Committee on Accounts on the Expenses of the Senate up to and including Saturday, March 13th, 1909, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 15, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Accounts begs leave to herewith present a Partial Report of the Expenses of this Session of the Senate up to and including Saturday, March 13th, 1909, the Twenty-first Day of the Session.

The total amounts drawn on both the Territorial and
Federal Appropriations amount to.....\$ 6,320.55

Segregated as follows:

Amounts drawn on Territorial Appropriation.....	\$ 2,082.23
Amounts drawn on Federal Appropriation.....	4,238.32
Total	\$ 6,320.55

The Amount drawn on the Territorial Appropriation..\$ 2,082.23

Is segregated as follows:

Compensation of Senators.....	\$1,999.95
Printing of Bills.....	60.00
Translating	22.28
	\$ 2,082.23

The Amount drawn on the Federal Appropriation....\$ 4,238.32

Is segregated as follows:

Mileage of Senators.....	\$ 263.80
Salaries of Officers.....	687.50
Clerk Hire	218.00
Postage	40.00
Stationery	25.80
Furniture and Fixtures.....	1,221.07
Incidentals	434.28
Printing and Printing Blanks, etc.....	1,171.85
Typewriting	142.47
Light (Electric fixtures)	33.55
	\$ 4,238.32

RECAPITULATION.

Territorial Appropriation:

Amount Authorized	\$20,000.00
Amount Expended	2,082.23

Balance on hand March 15th, 1909.....\$17,917.77

Federal Appropriation:

Amount Authorized	\$10,000.00
Amount Expended	4,238.32

Balance on hand March 15th, 1909.....\$ 5,761.68

Respectfully submitted,

E. W. QUINN,

Chairman.

PALMER P. WOODS,

W. T. ROBINSON.

The Report of the Committee was ordered received and placed on file.

Second Reading of Senate Bill No. 95 entitled "An Act for the Relief of John A. Cummins."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 94, entitled "An Act to Amend Section 1069 of the Revised Laws of Hawaii, Relating to the Practice of Medicine."

Upon motion of Senator Makekau, seconded by Senator Coelho, action on the Bill was deferred until Tuesday, March 16th, 1909, to be taken up with Senate Bill No. 96.

Second Reading of Senate Bill No. 61 entitled "An Act to Provide for Validating the Incorporation of Railway and Transportation Companies heretofore incorporated under Charters Granted by the Treasurer of the Territory of Hawaii with the consent of the Governor, or by their Predecessors in Office, and Certain Contracts made and Acts and Proceedings had under said Charters and Amendments thereto, and in Reference thereto, and the Granting thereof."

Upon motion of Senator Knudsen, seconded by Senator Chillingworth, the Bill passed Second Reading amended as recommended by the Committee.

Senator Knudsen gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1995 of the Revised Laws, Relating to the Statute of Limitations."

Under suspension of the Rules, Senator Knudsen introduced a Bill (S. B. No. 100) entitled "An Act to Amend Section 1995 of the Revised Laws, Relating to the Statute of Limitations."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

A Communication (No. 19) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 23 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 15, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—It gives me pleasure to inform your Honorable Body

that the Governor has this day, March 15, 1909, signed the following bill:

House Bill No. 63, Act 23, An Act to Amend Sections 1744, 1746 and 1858 of the Revised Laws Relating to Trials by Jury.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

At 11:14 o'clock Senator McCarthy moved to take a recess until 2 o'clock. Seconded by Senator Chillingworth and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 79) from the House of Representatives, returning Senate Bill No. 52, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 52, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 80) from the House of Representatives, informing the Senate of its sustaining the Veto of the Governor on House Bill No. 98, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the veto of the Governor to House Bill No. 98 was this day sustained in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 81) from the House of Representatives, transmitting House Bill No. 126, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 126, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 126 entitled "An Act to Amend Section 2552 of the Revised Laws of Hawaii, Relating to the Issuance of Preferred Stock by Corporations."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

A Communication (No. 82) from the House of Representatives, transmitting House Bill No. 65, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 65, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 65 entitled "An Act to Provide for Indeterminate Sentences for Certain Felonies."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Brown, passed First Reading.

A Communication (No. 83) from the House of Representatives, transmitting House Bill No. 102, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 102, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 102 entitled "An Act to Amend Section 1723 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

A Communication (No. 84) from the House of Representatives, transmitting House Bill No. 119, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 119, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 119 entitled "An Act to Define the Meaning of the word 'Garage' as used in Section 1 of Act 96 of the Session Laws of 1907, Amending Chapter 102 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 85) from the House of Representatives, returning Senate Bill No. 4, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 4, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 20) from Jas. W. Pratt, Commissioner of Public Lands, replying to Senate Resolution No. 41, was read by the Clerk as follows:

TERRITORY OF HAWAII.
COMMISSION OF PUBLIC LANDS.

Honolulu, T. H., March 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I beg to acknowledge receipt of a copy of the following

“RESOLUTION

RESOLVED: That the Commissioner of Public Lands be and he is hereby requested to reply to the following questions forthwith and in writing:

1.—What has been done, if anything, or what disposition made of the 4000 acres of the Makawao School Lands known as Piiholo Lands?

2.—What do you intend to do with it; application for same having been filed to have same disposed of for homesteaders?”

In reply to above I would state that the lands known as the Makawao School Lands, contain an area of 4,400.5 acres. Of this area, 1796 acres has been set aside as a portion of the Koolau, Maui, Forest Reserve. Another portion, consisting of 83 acres, more or less, has been staked, to be set aside to protect the Waihou Spring. The balance of 2,521.5 acres, will be cut up for different purposes provided the plans which have been put before the Governor are carried out.

The lower portion in the neighborhood of 2100 feet elevation, will be cut into home lots, and the extreme upper portion, over 4,100 feet elevation, will be cut into mountain residence lots. The latter or upper portion adjoins Olinda and Idlewild, well known mountain homes.

The intermediate portion, which is a rather wind swept pasture land, should be exchanged, if possible for more acceptable lands for homesteading purposes in the Haiku Pineapple District, or some other district, of easy access to homesteaders.

No applications from homesteaders have been received during the past two or three years for this land.

Respectfully submitted,

JAS. W. PRATT,
Commissioner of Public Lands.

The Communication was ordered received and placed on file. Under suspension of the Rules, Senator Brown presented the Report (No. 110) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 96 and 97, as follows:

Honolulu, T. H., March 15, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 96 and 97 printed and ready for distribution.

Very respectfully,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

At 2:11 o'clock the Senate resolved itself into Committee of the Whole for the consideration of Senate Bill No. 8 entitled "An Act to Provide for Nominations by Direct Vote," on Second Reading, Senator Knudsen in the Chair.

At 4:03 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again.

The Report of the Committee was adopted.

At 4:04 o'clock, upon motion of Senator Coelho, seconded by Senator Quinn, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTY-THIRD DAY.

Tuesday, March 16th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Twenty-second Day was read and, upon motion of Senator McCarthy, seconded by Senator Harvey, approved as read.

A Communication (No. 21) from Henry E. Cooper, Secretary of the Honolulu Park Commission, inviting the Members of the Senate to visit Kapiolani Park and inspect the work done during the past biennial period, was read by the Clerk as follows:

Honolulu, T. H., March 13, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—At a meeting of the Honolulu Park Commission held this day it was resolved that the Secretary extend an invitation to the President and Members of the Senate to visit Kapiolani Park for the purpose of inspecting the work done during the past biennial period. If this invitation is accepted, Hon. Marston Campbell, a member of this commission will assist in arranging the details of the trip.

A similar invitation has been extended to the Speaker and the Members of the House of Representatives.

Very respectfully yours,

HENRY E. COOPER,
Secretary, Honolulu Park Commission.

Upon motion of Senator Coelho, seconded by Senator McCarthy, the invitation was accepted, the President of the Senate to make arrangements as to the details of the trip.

Senator Fairchild presented the Report (No. 111) of the Committee on Ways and Means on Senate Bill No. 80, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 16, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was re-

ferred Senate Bill No. 80, entitled "An Act to Regulate the Expenditure of Public Money," begs leave to report that it has had the same under careful consideration, and would recommend its passage with the following amendments:

Amend Section 1 by inserting at the end thereof the words "Provided, however, that any county, or city and county, may, if its Board of Supervisors shall so decide, expend sums in excess of Five Hundred Dollars upon road work or repairs without contracting therefor."

Add a New Section to be numbered Section 8 to read as follows:

"Section 8. No expenditure of public money for Territorial purposes, except for salaries or pay of officers or employees or for permanent settlements, subsidies or other claims or objects for which a fixed sum or sums must be paid by law, shall be made except by, through or with the written approval of a purchasing agent, who shall be appointed by the Governor, by and with the approval of the Senate, and be subject to his supervision and control."

Renumber Section 8, Section 9.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
JOHN T. BROWN,
W. J. COELHO,
E. W. QUINN,
H. T. MOORE.

Upon motion of Senator Fairchild, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 112) of the Committee on Judiciary on Senate Bill No. 92, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 16, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 92, entitled "An Act to Amend Section 4 of Act 23 of the Session Laws of 1905, Relating to the Filing of Plans and Surveys in the Office of the of the Registrar of Con-

veyances, and to Add a New Section to said Act to be known as Section 4A," begs leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 113) of the Committee on Judiciary on Senate Bill No. 93, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 16, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 93, entitled "An Act to Amend Section 1806 of the Revised Laws of Hawaii, Relating to the Lien of District Court Judgments," begs leave to report that it has had the same under consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 114) of the Committee on Judiciary on Senate Bill No. 68, as follows:

SENATE JOURNAL.

SENATE CHAMBER,

Honolulu, T. H., March 16, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 68, entitled "An Act Relating to the Term of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws as Amended by Acts 34 and 37 respectively of the Laws of 1905, and as further Amended by Act 50 of the Laws of 1907," begs leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,
ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 115) of the Committee on Judiciary on House Bill No. 92, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 16, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 92, entitled "An Act to Amend Section 3161 of the Revised Laws of Hawaii," begs leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,
ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho for the Select Committee consisting of the members from the Island of Maui asked for further time within which to report on Senate Resolution No. 32. Granted.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Prohibit the Sale and Use of Opium or Preparation thereof."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 101) entitled "An Act to Prohibit the Sale and Use of Opium or Preparation thereof."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Under the head of the Order of the Day, the Senate proceeded with the consideration of House Bill No. 98 on the Veto of the Governor.

Senator Makekau moved that the Bill pass notwithstanding the Veto of the Governor. Seconded by Senator McCarthy and lost on the following showing of Ayes and Noes:

Ayes: Senators Coelho, Harvey, Makekau, McCarthy, Moore and Woods—6.

Noes: Senators Baker, Brown, Chillingworth, Fairchild, Kalama, Knudsen, Quinn, Robinson and Mr. President—9.

Third Reading of Senate Bill No. 61 entitled "An Act to Provide for Validating the Incorporation of Railway and Transportation Companies heretofore Incorporated under Charters granted by the Treasurer of the Territory of Hawaii, with the Consent of the Governor, or by their Predecessors in Office, and certain Contracts made and Acts and Proceedings had under said Charters and Amendments thereto, and in Reference thereto, and the Granting thereof."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Mr. President.

Noes: 0.

Not Present: Senator Fairchild—1.

Third Reading of Senate Bill No. 63 entitled "An Act to Amend Section 14 of Act 119 of the Session Laws of 1907."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—11.

Noes: Senators Fairchild, Kalama, Knudsen and Mr. President—4.

Third Reading of Senate Bill No. 86 entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

Senator Coelho moved to amend by adding at the end of Section 1 the words "For the purposes of this Act, any licensed physician who shall pronounce any case hopeless and beyond recovery shall give a certificate to that effect to the person afflicted or his or her attendants, or to the Sheriff, Deputy Sheriff or District Magistrate of the District wherein such person lives." Seconded by Senator Harvey and carried.

Senator Coelho moved to strike out the word "may" in line 19 of Section 1 and insert in lieu thereof the word "shall." Seconded by Senator Brown and carried.

The President here called the Vice-President to the Chair.

Senator Smith moved that further action on the Bill be deferred until Saturday, March 20th, 1909. Seconded by Senator Fairchild and carried.

Second Reading of Senate Bill No. 94 entitled "An Act to Amend Section 1069 of the Revised Laws of Hawaii, Relating to the Practice of Medicine."

Upon motion of Senator Makekau, seconded by Senator Harvey, further action on the Bill was deferred until Saturday, March 20th, 1909.

Third Reading of House Bill No. 24 entitled "An Act Making Special Appropriations for the Payment of Certain Claims against the Territory of Hawaii incurred prior to the Thirtieth day of June, A. D. 1907."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of Senate Bill No. 96 entitled "An Act to Provide for the Vesting of Title of Trust Estates."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 97 entitled "An Act to Amend Section 60 of Chapter 13 of Act 39 of the Session Laws of 1905, as Amended by Act 54 of the Session Laws of 1905, and as further Amended by Act 49 of the Session Laws of 1907."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 65 entitled "An Act to Provide for Indeterminate Sentences for Certain Felonies."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 102 entitled "An Act to Amend Section 1723 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 119 entitled "An Act to Define the Meaning of the word 'Garage' as used in Section 1 of Act 96 of the Session Laws of 1907, Amending Chapter 102 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 126 entitled "An Act to Amend Section 2552 of the Revised Laws of Hawaii, Relating to the Issuance of Preferred Stock by Corporations."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 80 entitled "An Act to Regulate the Expenditure of Public Money."

Senator Makekau moved that the Bill be postponed until Saturday, March 20th, 1909, and that the Clerk be instructed to furnish the members with the amendments proposed by the Committee. Seconded by Senator McCarthy and carried.

Second Reading of Senate Bill No. 92 entitled "An Act to Amend Section 4 of Act 23 of the Session Laws of 1905, Relating to the Filing of Plans and Surveys of Land in the Office of the Registrar of Conveyances, and to Add a New Section to said Act to be known as Section 4A."

Upon motion of Senator Robinson, seconded by Senator Brown, the Bill passed Second Reading.

Second Reading of Senate Bill No. 93 entitled "An Act to Amend Section 1806 of the Revised Laws of Hawaii, Relating to the Lien of District Court Judgments."

Upon motion of Senator Kalama, seconded by Senator Fairchild, the Bill passed Second Reading.

Second Reading of Senate Bill No. 68 entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws as Amended by Acts 34 and 37 respectively of the Laws of 1905, and as further Amended by Act 50 of the Laws of 1907."

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Bill passed Second Reading.

Under suspension of the Rules, Senator Brown presented the Report (No. 116) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 98, 99 and 100, as follows:

Honolulu, T. H., March 16, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 98, 99 and 100 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Second Reading of Senate Bill No. 98 entitled "An Act to Encourage Saving among School Children."

Referred to the Committee on Education.

Second Reading of Senate Bill No. 99 entitled "An Act to Provide for the Sanitary Regulation of Dairies, of the Production, Storing, Handling of Milk and Cream for Sale."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 100 entitled "An Act to Amend Section 1995 of the Revised Laws, Relating to the Statute of Limitations."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 92 entitled "An Act to Amend Section 3161 of the Revised Laws of Hawaii."

Upon motion of Senator Makekau, seconded by Senator Knudsen, the Bill passed Second Reading.

At 11:21 o'clock Senator Makekau moved to take a recess until 2 o'clock. Seconded by Senator Brown and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Under suspension of the Rules Senator Fairchild presented the Report (No. 117) of the Committee on Ways and Means on House Bill No. 108 and Senate Bill No. 46, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 16th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 108, and Senate Bill No. 46, both entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by Raising and Appropriating the Necessary Funds therefor," begs leave to report that it has had the same under careful consideration, and would make the following recommendations:

1. That Senate Bill No. 46 be laid on the table, and that House Bill No. 108 be amended as follows:

(a) That the Title of the Bill be amended so as to read as follows:

"An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and Other Means by Imposing a Tax on Incomes and Appropriating the Proceeds for such Purpose;"

(b) On line 9 of page 2 under Section 2 strike out the fifth word of the line "preceding" and change the word "period" on the same line to read "periods."

(c) Amend Section 5 by inserting after the word "fund" in line 2, the following "notwithstanding the provisions of Act 15 of the Session Laws of 1907, or any law now in force;" also by inserting after the word "fund" in line 4, the following "is hereby appropriated for and;" also by inserting after the word "fund" in line 8, the following "is hereby appropriated for and."

With the above amendments, your Committee recommends the passage of House Bill No. 108.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

W. J. COELHO,
JOHN T. BROWN,
H. T. MOORE,
E. W. QUINN.

Upon motion of Senator Fairchild, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Fairchild offered the following Joint Resolution (No. 1) relating to Office Hours of Territorial Offices and Officers and Employees:

JOINT RESOLUTION

RELATING TO OFFICE HOURS OF TERRITORIAL OFFICES
AND OFFICERS AND EMPLOYEES.

BE IT RESOLVED by the Senate and House of Representatives of the Territory of Hawaii,

That the several offices of the Territorial Government shall except as otherwise directed or permitted by the respective chiefs or heads thereof, or by the Governor, be open for public business on business days from 8:30 o'clock in the morning to 5 o'clock in the afternoon, excepting on Saturdays, when they may close at noon, and all officers and employees of any such office shall be therein for the transaction of public business during such hours, excepting when the performance of their official duties requires their presence elsewhere or when excused by the chief or head of the office; *provided*, that such chief or head shall allow each officer or employee under him a vacation of not less than two weeks annually. Any officer or employee who shall violate any of the foregoing provisions may be dismissed from his office or employment by such chief or head or by the Governor.

The Joint Resolution was read and, upon motion of Senator McCarthy, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 2:06 o'clock, upon motion of Senator Coelho, seconded by Senator Harvey, the Senate adjourned.

WILLIAM SAVIDGE,

Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTY-FOURTH DAY.

Wednesday, March 17th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Kalama absent.

The Journal of the Twenty-third Day was read and, upon motion of Senator Robinson, seconded by Senator Brown, approved as read.

A Communication (No. 86) from the House of Representatives, transmitting House Bill No. 73, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii,

I have the honor to transmit herewith House Bill No. 73, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 73 entitled "An Act to Provide for the Exemption of the Family Homestead from Forced Sale, and to Repeal Section 1830 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading.

A Communication (No. 87) from the House of Representatives, transmitting House Bill No. 79, was read by the Clerk as follows:

SENATE JOURNAL.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 79,
which this day passed Third Reading in the House of Rep-
resentatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 79 entitled "An Act to
Amend Section 62 of Act 39 of the Session Laws of 1905."

The Bill was read by title and, upon motion of Senator
Coelho, seconded by Senator Quinn, passed First Reading.

A Communication (No. 88) from the House of Representa-
tives, transmitting House Bill No. 88, was read by the Clerk
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 88,
which this day passed Third Reading in the House of Rep-
resentatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 88 entitled "An Act to Amend Section 9 of Act 39 of the Session Laws of 1905, Relating to the General Powers, Liabilities and Limitations of Counties."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 89) from the House of Representatives, transmitting House Bill No. 90, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.,

I have the honor to transmit herewith House Bill No. 90, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 96 entitled "An Act to Amend Section 1577 of the Revised Laws, Relating to the Appointment of Jailors."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading.

A Communication (No. 90) from the House of Representatives, transmitting House Bill No. 96, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 96,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 96 entitled "An Act Declaring and Designating a Certain Tract of Land at Hilo, Hawaii, as a Public Park."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Coelho, passed First Reading.

A Communication (No. 91) from the House of Representatives, transmitting House Bill No. 117, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 117, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 117 entitled "An Act to Amend Sections 1299 and 1306 of the Revised Laws of Hawaii, Relating to Stamp Duties."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 92) from the House of Representatives, transmitting House Bill No. 120, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 120,
which this day passed Third Reading in the House of Rep-
resentatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 120 entitled "An Act De-
claring and Designating a Certain Tract of Land at Makaoku,
Waiakea, Hilo, Hawaii, as a Public Park."

The Bill was read by title and, upon motion of Senator
Brown, seconded by Senator Coelho, passed First Reading.

A Communication (No. 93) from the House of Representa-
tives, transmitting House Concurrent Resolution No. 15, was
read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith, House Concurrent
Resolution No. 15, which was this day adopted in the House of
Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS there is now pending before the Congress of the United States of America, several Bills relative to proposed legislation affecting the land laws of Hawaii, and

WHEREAS neither of said Bills has received proper consideration by the Legislature of the Territory of Hawaii, and

WHEREAS it is considered advisable and potential that the Legislature should specifically express the wish of the people relative to legislation affecting the land laws of Hawaii, and

WHEREAS it is the desire of the Honorable J. K. Kalaniana'ole, Hawaii's Delegate to Congress, that the necessary amendments to said land laws should first pass this Legislature before receiving the attention of Congress, and it being deemed desirable that he should appear before the Legislative branches and speak upon such proposed legislation,

THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE FIFTH LEGISLATURE OF HAWAII, THE SENATE CONCURRING:

THAT the Delegate to Congress, Honorable J. K. Kalaniana'ole, be invited by the Speaker and the President of the Senate to immediately return for the purpose of appearing before the Legislative bodies of this Legislature and discuss with the members thereof the necessary amendments;

RESOLVED FURTHER that said invitation be immediately forwarded to the Honorable J. K. Kalaniana'ole, and that the expenses connected with the transmission of said invitation be honored by the Committee on Accounts and Public Expenditures of the House.

The Communication was ordered received and placed on file. Senator Coelho moved that House Concurrent Resolution No. 15 be referred to the Committee on Judiciary. Seconded by Senator Fairchild and carried.

A Communication (No. 94) from the House of Representatives, transmitting House Concurrent Resolution No. 16, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith, House Concurrent

Resolution No. 16, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII, THE SENATE, CONCURRING:

WHEREAS, the Congress of the United States is about to consider the revision of the law relating to the tariff on imports; and

WHEREAS, the Country is committed to the principle of a protective tariff, which shall also produce a large proportion of the necessary revenues of the government;

BE IT RESOLVED, that the following facts be laid before Congress for consideration by it in connection with said proposed revision of the tariff law, viz:

1. At the time the present tariff law was enacted, the United States owned no coffee producing territory, necessitating no duty on coffee as a protective measure; and the current revenue was sufficient without imposing a tariff on coffee for revenue only; consequently coffee is now on the free list.

2. Since the enactment of the present tariff law, the United States has acquired a large area of coffee producing territory, viz: the Philippines, Porto Rico and Hawaii.

3. It is our understanding and belief that, with a protective duty on coffee of, say six cents per pound, these three groups of islands could profitably produce coffee enough eventually to supply a large proportion, if not the entire consumption of the United States.

4. We ask from a protective tariff standpoint, consideration be given to protecting those industries which are peculiar to the tropical portion of the United States, as well as to those which are the products of the mainland exclusively.

5. Aside from the purely protective feature of the suggested duty, we submit that no single item among the whole list of imports, presents a better opportunity for securing so large a revenue with so small a tax on individuals, as will a duty on coffee. A duty of six cents a pound on coffee would produce a revenue of between fifty and sixty million dollars per annum.

We submit, however, that there is every reason to believe

that imposing the suggested import duty upon coffee would not result in raising the price of coffee to the consumer, or would result in but a slight increase.

Under these circumstances, we submit that, as additional revenue is needed from some source, the foregoing facts show that a duty on coffee would result:

1. In a very large revenue to the United States Treasury, with only a slight, if any, increase in price of coffee.

2. In incidentally protecting a now small and unprotected industry, with the ultimate prospect of its becoming a large and prosperous one and provide a suitable means of agricultural development by small land owners in which the people of these Islands of small means can take a large part.

RESOLVED FURTHER, that a copy of these Resolutions be sent to the President of the Senate, to the Speaker of the House, the Chairman of the Ways and Means Committee, and the Delegate to Congress from Hawaii, at Washington, D. C.

The Communication was ordered received and placed on file. Senator Fairchild moved that the Concurrent Resolution be adopted. Seconded by Senator Coelho.

Senator McCarthy moved that the Concurrent Resolution be referred to the Committee on Ways and Means. Seconded by Senator Woods and carried.

A Communication (No. 95) from the House of Representatives, transmitting House Concurrent Resolution No. 17, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith, House Concurrent Resolution No. 17, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, it is desirable that annual sessions of the Legislature be had, each session to be limited to thirty days duration and each alternate session to be devoted to consideration of financial measures and appropriation bills exclusively, while the other sessions shall be devoted to consideration only of other legislative matters,

THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII, THE SENATE CONCURRING,

That the Speaker of the House and the President of the Senate be instructed to prepare a memorial to Congress expressing the desire of the Legislature that proper amendments be made to the Organic Act of this Territory to accomplish this desired object, and to transmit copies of such memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Delegate to Congress from this Territory, and

BE IT FURTHER RESOLVED that the Delegate to Congress be requested to prepare and advocate in Congress appropriate legislation to accomplish this desired object.

The Communication was ordered received and placed on file, and House Concurrent Resolution No. 17 referred to the Committee on Judiciary.

A Petition (No. 23) from 21 Citizens and Residents of Pauoa, Honolulu, urging the passage of Senate Bill No. 16, was read by the Clerk as follows:

Honolulu, T. H., March 15, 1909.

Honorable Wm. O. Smith,
President of the Senate and the
Honorable Members of the Senate,
Territory of Hawaii.

Greeting:—We, the citizens of the United States, at Pauoa, Honolulu, Island of Oahu, T. H., do hereby petition your Honorable Body to support the passage of the Senate Bill No. 16, relating to Fishing in the Fisheries of the Territory of Hawaii. There are many of the Hawaiian-American citizens in this

city and on this island, that depend upon fishing for their living; and hereby pray for your support to the said Bill.

We are also bona fide voters. We the undersigned.

(21 Signatures).

The Petition was ordered laid on the table to be considered with Senate Bill No. 16.

A Communication (No. 24) from the Woman's Christian Temperance Union, protesting against the shortening of the compulsory school age of children, and the lowering of teachers' salaries, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

On behalf of the Woman's Christian Temperance Union.

MARY S. WHITNEY,
President;
FLORENCE R. YARROW,
Secretary.

The Communication was referred to the Committee on Education.

Senator Brown presented the Report (No. 118) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 101, Communication (No. 18) from the Treasurer of the Territory, and Senate Joint Resolution No. 1, as follows:

Honolulu, T. H., March 17, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 101, Communication No. 18 (Treasurer) and Senate Joint Resolution No. 1, printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Chillingworth presented the Report (No. 119) of the Committee on Military and Public Expenditures on Senate Bill No. 91, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 16, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Military and Public Expenditures, to whom was referred Senate Bill No. 91, entitled "An Act Relating to the Militia, Amending Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii, adding New Sections thereto to be known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B, and Repealing Sections 130, 141, 142 and 166," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to revise the laws of the Territory relating to the Militia, and your Committee recommends the passage of the same.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,
Chairman;
S. E. KALAMA,
R. H. MAKEKAU.

Senator Chillingworth moved that the Report of the Committee be adopted. Seconded by Senator Kalama.

Senator Fairchild moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Robinson and carried.

Senator Chillingworth on behalf of the Committee on Judiciary presented the Report (No. 120) of the Committee on Senate Bill No. 25, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 17, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 25, entitled "An Act Relating to Marriage Licenses," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of the Bill is to more clearly define the conditions under which a Marriage License may be granted, thus doing away with many of the hasty and ill-advised marriages that have taken place in the past.

Your Committee believes the object of the Bill a good one, and recommends its passage with the following amendments:

1.—Amend the title to read "An Act to Amend Chapter 144 of the Revised Laws, Relating to Marriage by Adding thereto a New Section to be known as Section 2210A."

2.—Strike out Section 1.

3.—Re-number Section 2, Section 1, and amend the same to read as follows:

"Section 1. Chapter 144 of the Revised Laws is hereby amended by adding thereto a New Section to be known as Section 2210A, and to read as follows:

Section 2210A. No license to marry shall be granted by any agent except upon a written application therefor by the persons about to be joined in marriage showing (1) the identity of the parties; (2) their real full names and places of residence; (3) their ages; (4) the real and full names of their respective fathers and mothers; (5) that at the time of such application they and neither of them are legally disqualified from contracting marriage; and (6) if the male be under the age of twenty (20) years and the female under the age of eighteen (18) years, the consent of the parents, guardian or other person having the care and government of such person,

if within the Territory of Hawaii, or that such non-age person has been previously married but is not at the time married.

For the purpose of ascertaining these facts the agent is authorized to examine parties and witnesses on oath and he must state such facts in the application."

4.—Strike out Sections 3 and 4.

5.—Renumber Section 5, Section 2.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Chillingworth, seconded by Senator Coelho, the Report of the Committee was laid on the table to be considered with the Bill.

Senator McCarthy for the Select Committee on Election Laws asked for further time within which to report. Granted.

At 10:34 o'clock, a Message (No. 8) from the Governor, nominating Philip F. Frear, a Member of the Board of Dental Examiners, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,

Executive Chamber,

Honolulu, T. H., March 17, 1909.

To the Senate:

I hereby nominate and propose, by and with the advice and consent of the Senate, to appoint Philip F. Frear a member of the Board of Dental Examiners. This nomination is made, in accordance with the usual practice, upon the recommendation of the dental society of Hawaii.

WALTER F. FREAR,

Governor of Hawaii.

Senator McCarthy moved that the nomination of Philip F. Frear, a member of the Board of Dental Examiners, be confirmed. Seconded by Senator Woods and carried.

The Senate proceeded with the consideration of House Concurrent Resolution No. 5 under the head of the Order of the Day.

Senator Coelho moved to strike out the words "all the people" in line 6 and the words "the people at large" in line 14 and insert in lieu thereof the words "Citizens of the United States and those eligible to become Citizens." Seconded by Senator McCarthy and carried.

Senator Coelho moved that the Resolution be adopted as amended. Seconded by Senator McCarthy and carried.

Third Reading of Senate Bill No. 29 entitled "An Act to Amend Act 119 of the Session Laws of 1907, entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905'."

The Bill was ordered considered paragraph by paragraph.

Section 1, Paragraph 2. Senator McCarthy moved that the paragraph pass as read. Seconded by Senator Harvey and carried.

Paragraph 3. Senator McCarthy moved that the paragraph pass as read. Seconded by Senator Coelho and carried.

Paragraph 4. Senator McCarthy moved that the paragraph pass as read. Seconded by Senator Moore and carried.

Paragraphs 5, 6 and 7. Senator Moore moved that the paragraphs pass as read. Seconded by Senator Harvey.

The President here called the Vice-President to the Chair.

Senator Smith moved to strike out paragraph 5. Seconded by Senator Fairchild.

The motion to strike out paragraph 5 was then put and lost.

The motion to pass paragraphs 5, 6 and 7 as read, being put, carried.

Paragraph 8. Senator McCarthy moved that the paragraph pass as read. Seconded by Senator Moore and carried.

Paragraph 9. Senator Moore moved that the paragraph pass as read. Seconded by Senator McCarthy and carried.

Paragraph 10. Senator Smith moved to strike out the words and figures "Two Hundred and Fifty Dollars (\$250)" in lines 7 and 8 and insert in lieu thereof the words and figures "Five Hundred Dollars (\$500)." Seconded by Senator Fairchild.

Senator Chillingworth moved as an amendment to strike out the words "for a period of ten years" in line 1. Senator Smith accepted the amendment which was lost.

Senator McCarthy moved that the paragraph pass as read. Seconded by Senator Moore and carried.

Paragraph 11. Passed as read.

Paragraph 12. Passed as read.

Paragraph 13. Passed as read.

Paragraph 14. Passed as read.

Section 2. Senator Smith moved to strike out the Section. Seconded by Senator Knudsen and lost on the following showing of Ayes and Noes:

Ayes: Senators Baker, Fairchild, Kalama, Knudsen and Mr. President—5.

Noes: Senators Brown, Chillingworth, Coelho, Harvey, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—10.

Senator Chillingworth moved to strike out Section 35A as in the Bill and insert in lieu thereof the following:

“Section 35A. Appeals shall be allowed from decisions of Boards refusing applications for renewals of licenses, refusing transfers of licenses, and revocations and suspensions of licenses, to the Judge of the Circuit Court sitting at Chambers without a Jury of the same Circuit wherein the party appealing, as a licensee, has his, their, or its licensed premises the license for which has been suspended or revoked or for which a renewal or transfer of the license has been refused, whenever the party appealing shall file with the Secretary of the Board from which said appeal is taken, his notice of appeal setting forth the grounds of appeal and bond as is now or may hereafter be provided in the case of appeals in civil cases from District Magistrates to Circuit Courts. And such appeals shall operate to the same effect as civil appeals from District Magistrates to the Circuit Courts, subject to appeal by exceptions or writ of error to the Supreme Court as is now or may hereafter be provided for appeals from Circuit Courts to the Supreme Court.

Upon appeals from Boards to the Judge of the Circuit Courts, sitting in Chambers without a Jury, the hearing before the Circuit Judge shall be de novo under rules and procedure which shall be fixed by the Judge, and the judgment thereon of the Judge of the Circuit Court, sitting in Chambers or of the Supreme Court upon exceptions or writ of error therefrom shall be binding upon the Board from whose decision or action the appeal shall have been taken.

An appeal from a decision of a Board refusing to renew a license or revoking or suspending a license shall operate as a supersedeas, and an immediate hearing on appeal may be ordered by the Judge sitting in Chambers or the Supreme Court upon good cause being shown therefor, and the party appealing may, pending appeal continue the exercise of the license suspended or revoked or for which a renewal has been refused, as the case may be, upon executing to such Board a bond in the sum of One Thousand Dollars (\$1,000.00) conditioned upon said party appealing, in case he is defeated in his said

appeal, paying to the Secretary of such Board the proportionate part of the annual license fee for each day that such license shall have been exercised by him pending said appeal." Seconded by Senator McCarthy and carried.

Section 3. Passed as read.

Section 1, Paragraph 1. Senator Moore moved that the paragraph pass as read. Seconded by Senator McCarthy and carried.

Title. Senator McCarthy moved that the title pass as read. Seconded by Senator Harvey and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—11.

Noes: Senators Fairchild, Kalama, Knudsen and Mr. President—4.

Senator Chillingworth moved that the Senate take up for consideration House Bill No. 108 on Third Reading. Seconded by Senator McCarthy and carried.

Third Reading of House Bill No. 108 entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by Imposing a Tax on Incomes and Appropriating the Proceeds for such Purpose."

Senator Robinson moved that action on the Bill be deferred until Thursday, March 18th, 1909. Seconded by Senator Harvey and carried.

At 12:14 o'clock, upon motion of Senator Quinn, seconded by Senator Harvey, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTY-FIFTH DAY.

Thursday, March 18th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Quinn absent.

The Journal of the Twenty-fourth Day was read, and upon motion of Senator Robinson, seconded by Senator Brown, approved as read.

A Communication (No. 22) from A. J. Campbell, Treasurer of the Territory, replying to Senate Resolution No. 33, was read by the Clerk as follows:

OFFICE OF THE TREASURER

TERRITORY OF HAWAII.

Executive Building,
Honolulu, Oahu, March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—In response to a resolution adopted by your Honorable Body on the 13th inst., herewith enclosed, please find a copy of a letter received from J. F. Morgan per O. A. Steven, which covers all the correspondence relative to the subject matter of the resolution.

I saw Mr. O. A. Steven personally and had the matter looked into by the license clerk of this department and a deputy from the tax office and afterwards issued a Merchandise Brokers' License to the Hawaiian Fisheries, Limited.

The Hawaiian Fisheries, Limited, occupy several stalls in the fish market where they dispose of a portion of the fish consigned to them by Japanese fishermen and a portion they sell to the occupiers of other stalls who bid the highest price for same.

Mr. A. L. C. Atkinson as attorney for the Hawaiian Fisheries, Limited, spoke to me on this matter. The question was not referred to the Attorney General.

Respectfully yours,

A. J. CAMPBELL,
Treasurer, Territory of Hawaii.

(COPY)

Honolulu, T. H., October 30, 1908.

A. J. Campbell, Treasurer,
City.

Dear Sir:—For reference I wish that you would make answer to a question that has arisen between a Japanese Fish Hui and myself. The Japanese Fish Hui is headed by Dr. Mitamura.

Can a man representing them sell *at auction* fish by the whole-sale? Such sale for the past thirty days at auction realizing over twenty-five hundred (\$2500.00) dollars. Sales are made to Chinese or Japanese, the highest bidder becoming the purchaser.

Anticipating a reply very early, I beg to remain,

Yours respectfully,

JAS. F. MORGAN,
Per O. A. Steven.

The Communication was ordered referred to the Committee on Ways and Means.

A Communication (No. 96) from the House of Representatives, transmitting House Bill No. 114, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 114, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 114 entitled "An Act Making it a Misdemeanor to Deposit or Cause to be Deposited in

any Highway in the Territory of Hawaii any substance Dangerous to Traffic, and Providing a Penalty therefor."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading.

A Communication (No. 97) from the House of Representatives, transmitting House Bill No. 134, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 134, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 134 entitled "An Act to Amend Chapter 217 of the Revised Laws of Hawaii, Relating to Gambling by Adding thereto two New Sections to be known as Section 3172A and Section 3172B."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 98) from the House of Representatives, transmitting House Bill No. 136, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 136, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 136 entitled "An Act to Amend Section 1278 of the Revised Laws as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 99) from the House of Representatives, transmitting House Bill No. 140, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 140, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 140 entitled "An Act Authorizing the Payment of Certain Persons for Services Actually Rendered under Employment by the Board of Supervisors of the City and County of Honolulu and by any Committee and Agent of said Board."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 100) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 24, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the

House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 24.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 101) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 15, and of the appointment of a Conference Committee on the same, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 15, and that the Speaker has appointed the following Conferees from the House:

Honorables Castro, Kaniho and Moanauli.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee for the further consideration of House Bill No. 15: Senators Knudsen, Chillingworth and Makekau.

A communication (No. 102) from the House of Representatives, returning Senate Bill No. 62, was read by the Clerk as follows:

SENATE JOURNAL.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 62,
which this day passed Third Reading in the House of Rep-
resentatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 103) from the House of Representa-
tives, returning Senate Bill No. 82, was read by the Clerk as
follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 82, which
this day passed Third Reading in the House of Representatives
of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 104) from the House of Representa-
tives, returning Senate Bill No. 17, as amended, was read by
the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to return herewith Senate Bill
No. 17, which this day passed Third Reading in the House of

Representatives of the Territory of Hawaii with the following amendments:

In line 5 of Section 1, strike out the word "must" and insert in lieu thereof the word "shall."

Insert a new section between Section 1 and Section 2 to read as follows:

"Section 2. Any public official who shall violate any provisions of this Act shall be liable upon conviction to a penalty of not less than Ten Dollars nor more than One Hundred Dollars, discretionary with the Court."

Amend "Section 2" to read "Section 3".

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Coelho moved to concur in the amendments made by the House of Representatives to Senate Bill No. 17. Seconded by Senator Fairchild.

Senator Knudsen moved as an amendment that further action on Senate Bill No. 17 be deferred until Friday, March 19th, 1909. Senator Coelho accepted the amendment which carried.

A Communication (No. 25) from John Atcherley, seeking an appropriation in aid of treatment of leper patients, was read by the Clerk as follows:

1155 Kamehameha IV Road,

March 17, 1909.

The Honorable President and
Members of the Senate of the
Legislature of 1909.

Gentlemen:—Please allow me to draw your attention to the fact that there are several petitions made by leper patients to the Board of Health, copies which may be found at that office, appealing for treatment at my hands here in Honolulu. Two of these petitions were from (April 20th, 1908, and December 5, 1908) those residing at the Kalihi Receiving Station, and one from Kalaupapa, Molokai, containing some hundreds of signatures; a copy of the latter was also sent to the Governor's office.

At the time the petitions were presented, Mrs. Atcherley received word from several patients notifying her of the fact and pleading for her aid in the matter. Later, they informed her

that the Board of Health had refused their appeal because there were no available funds to provide for the necessary facilities.

Now, that the Legislature is in session and it is reported that the members are about to visit Kalaupapa, Molokai, I humbly wish to suggest that the Legislature adopt their present means to comply with this request of the petitioners.

Should the Legislature feel inclined to grant these appeals from those so long suffering from this terrible scourge, I should only be too ready to do all that lies in my power to do what they wish.

As to the necessary means of carrying out the treatment, I beg to offer the sub-joined statement of what will be needed to accommodate fifty patients so far as regards to the "Care and maintenance and medical treatment."

A ward hospital to accommodate fifty patients and fittings.	\$15,000.00
Physician's dispensary and residence to superintendent hospital.	3,000.00
A retreat for patients for six months after treatment	3,500.00
For care and maintenance and treatment 50 patients month.	1,285.00
Two nurses, \$40.00 each; 2 cooks, \$40.00 each; washing, \$100.00; food for children under 14 years, \$10.00 each; 25 patients; food for patients above 14 years, \$15.00 each; 25 patients—12 months.	15,420.00
Drugs for each patient, \$3.00; \$150. Doctor's salary, \$250.00; for two years	30,840.00
For care and maintenance of those at the retreat.	2,160.00
Total.	<hr/> \$33,000.00

Yours most respectfully,

JOHN ATCHERLEY,

M. R. C. S.

NECESSARY EXPENSES FOR RUNNING A HOSPITAL FOR LEPROSY.

(Fifty Steady Patients at a Time.)

Care and Maintenance, viz.:

	Month.
Food for children under 14 years at \$10.00 each, 25 patients.	\$ 250.00
Food for patients above 14 years at \$15.00 each, 25 patients.	375.00

Drugs for fifty patients at \$3.00 each, 50 patients...	150.00
Washing, etc., fifty patients at \$2.00 each, 50 patients	100.00
Two nurses for 50 patients at \$40.00 each.....	80.00
Two cooks for 50 patients at \$40.00 each.....	80.00
Superintendent, who shall be a physician as well, for 50 patients.	250.00
	<hr/>
	\$ 1,285.00
Twelve months.	\$15,420.00
Two years.	\$30,840.00

The "Retreat" is a home for patients who have been certified by doctors that they are free from all signs or symptoms of leprosy. They are to live at the "Retreat" for six months. If the disease does not return they are discharged.

Extra care and maintenance for those who are well and return to "Retreat" home.....	\$ 2,160.00
	<hr/>
Total.	\$33,000.00

Expenses for 100 Patients:

Food for 50 patients under 14.....	\$ 500.00
Food for 50 patients above 14.....	750.00
Two nurses—100 patients, \$50.00 each.....	100.00
Two cooks—100 patients, \$50.00 each.....	100.00
Drugs for 100 patients at \$3.00 each.....	300.00
Washing for 100 patients at \$2.00 each.....	200.00
Superintendent and physicians pay.....	300.00
	<hr/>
Month.	\$ 2,250.00
For 12 months.	27,000.00
For 2 years.	54,000.00
Extra for those to go to "Retreat".....	4,000.00
	<hr/>
Total.	\$58,000.00

The Kalaupapa Settlement while being run by separate superintendent and two physicians, no raise of salary in latter posts is necessary, and a superintendent at \$150.00 can be easily had.

There is no necessity of nurses for these diseased patients to have their pay more than \$40.00 or \$50.00 a month, as there is hardly any constant work or night watches such as needed in caring for patients stricken with other diseases such as typhoid or malaria or other fevers or operations. With the constant removal of fifty patients every four or five months from Kalaupapa to the hospital at Honolulu will greatly reduce the

amount of inmates at that place, thus necessitating the reduction of funds to be appropriated for Kalaupapa and distinguishing the two as separate funds.

The Communication was ordered referred to the Committee on Public Health.

A Communication (No. 26) from a Committee of the Territorial Teachers' Association, against the shortening of the Compulsory school age of children in the Public Schools, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, being a Committee of the Territorial Teachers' Association, respectfully submit to your honorable body the following expression of the opinion of the aforesaid Association concerning certain measures now before the Legislature relating to the compulsory school age of children in the public schools:

First: That any bill shortening the compulsory school age of the children of the Territory, be not passed.

Second: The statistics of the public schools of all lands show:

1.—Reduction of the compulsory school age is inevitably followed by the expansion of the prison and the poor house.

2.—The states which are most advanced, and which possess the highest social, economic and political welfare, are those in which the school children have the longest school-life. Shortening of the school-life of the child results in political and economic inefficiency.

Third: Any bill shortening the school-life affects most seriously the great mass of citizens, who cannot afford to pay for the private tuition of their children.

(Signed)

VAUGHAN McCAUGHEY,

LORNA K. IAUKEA,

MARGARET H. MOSSMAN,

Committee of Territorial Teachers' Association.

The Communication was ordered referred to the Committee on Education.

A Communication (No. 27) from William R. Castle, President of the Civic Federation, against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

(Signed)

WILLIAM R. CASTLE,
President of the Civic Federation..

The Communication was referred to the Committee on Education.

Senator Coelho presented a petition (No. 28) from 40 citizens of Keanae, Maui, asking for an appropriation for a Retaining Wall across Kukuipuka stream, as follows:

The Honorable Members of the Senate,
Honolulu.

Greeting:—We, the undersigned, residing at Keanae, Koolau, Maui, being citizens and bona fide voters, do hereby petition for your support to our needs as herein below set forth:

One Cemented Stone Wall for banking Kukuipuka stream, Keanae, 1008 feet long; for the sum of \$1,500.00, to protect the rice and taro planters and dwelling houses during storms and floods as experienced the two years past.

(40 Signatures.)

The Petition was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Brown presented a Petition (No. 29) signed by 118 Citizens and Voters protesting against the passage of House Bill No. 108, as follows:

The Honorable Members of the Senate
of the Territory of Hawaii.

We, the undersigned citizens and tax-payers of the Territory of Hawaii, respectfully petition and urge your honorable body not to pass the so-called Immigration Bill, being House Bill No. 108. The purpose of this bill is to raise revenue to be used (in part) to assist the immigration to this Territory of laborers. There are at present in the City of Honolulu alone at least one thousand laborers who are unable to find regular or remunerative employment. The same conditions exist in other parts of the Territory. The result of the passage of this bill, if its purpose is carried out, will be to greatly increase the number of the unemployed in the Territory, and cause great hardship and suffering. Therefore we urge that this bill be not passed; and your petitioners will ever pray.

(118 Signatures).

The Petition was ordered laid on the table to be considered with House Bill No. 108.

Senator Baker presented a Petition (No. 30) signed by 54 citizens protesting against the passage of House Bill No. 108, as follows:

The Honorable Members of the Senate
of the Territory of Hawaii.

We, the undersigned citizens and tax-payers of the Territory of Hawaii respectfully petition and urge your honorable body not to pass the so-called Immigration Bill, being House Bill No. 108. The purpose of this bill is to raise revenue to be used (in part) to assist the immigration to this Territory of laborers. There are at present in the City of Honolulu alone at least one thousand laborers who are unable to find regular or remunerative employment. The same conditions exist in other parts of the Territory. The result of the passage of this bill, if its purpose is carried out, will be to greatly increase the number of the unemployed in the Territory, and cause great hardship and suffering. Therefore we urge that this bill be not passed; and your petitioners will ever pray.

(54 Signatures).

The Petition was ordered laid on the table to be considered with House Bill No. 108.

Senator Kalama presented a Petition (No. 31) signed by 58 residents of the Second Judicial Circuit protesting against any change in the present Liquor Laws, as follows:

The undersigned citizens of the Territory of Hawaii, residing in the Second Judicial Circuit, respectfully petition the Senate and the House of Representatives of this Territory not to change or alter the present laws of the Territory relating to the Manufacture and Sale of Intoxicating Liquors.

(58 Signatures).

The Petition was ordered received and placed on file.

Senator Knudsen presented the Report (No. 121) of the Committee on Judiciary on House Bill No. 119, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 18, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 119, entitled "An Act to Define the Meaning of the word 'Garage' as used in Section 1 of Act 96 of the Session Laws of 1907, Amending Chapter 102 of the Revised Laws of Hawaii", begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of the Bill is to remove any doubts as to the meaning of the word "Garage."

Your Committee believes that the definition as proposed is sufficient, and recommends the passage of the Bill.

Respectfully submitted,
ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator McCarthy, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 122) of the Committee on Judiciary on Senate Bill No. 60, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 18, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 60, entitled "An Act to Confirm the Titles of the Holders and Claimants of Unawarded and Unpatented Lands in Certain Cases and to Provide for the Conveyance of any rights of the Territory therein," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of this Bill is to provide a means of quieting titles when claimants have an equitable title and when they have not proved their claims to Land Awards under the provisions of the Grand Mahele of 1842.

Various extensions of time have been granted by the Legislature in the past, beginning in 1847 (see page 1181 of the Revised Laws) and extended at subsequent times until 1892, the last extension (see pages 1183, 1190, 1192, 1195 of the Revised Laws).

If any claimants have failed to take advantage of these various extensions, there is still a way left open to them to get their titles cleared up. Attention is called to Section 276 of the Revised Laws, particularly to that portion beginning at line 37 and extending to line 46.

Under the provisions of that section it seems that all persons who have been long in undisputed possession of their lands and who may now discover that through some mistake of survey or other reason, there is some doubt as to their titles, may come in and on a proper presentation of the facts to the Governor obtain quit-claim deeds and thus remove any cloud that may be on their title, as far as the Government is concerned.

People are now taking advantage of this Section and the Government has issued several such quit-claim deeds, and as the land laws can only be amended by Congress (see Organic Act), your Committee recommends that all claimants take advantage of this Section, rather than attempt to enact new legislation on Land matters that may be in conflict with the Organic Act.

Your Committee therefore recommends that the Bill be tabled.

Respectfully submitted,
ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Coelho, seconded by Senator Chillingworth, action on the Report of the Committee and the Bill was deferred until Thursday, March 25, 1909.

Senator Knudsen presented the Report (No. 123) of the Committee on Judiciary on Senate Bill No. 100, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 18, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 100, entitled "An Act to Amend Section 1995 of the Revised Laws, Relating to the Statute of Limitations," begs leave to report that it has had the same under careful consideration, and would report as follows:

Section 1995 of the Revised Laws as it appears on the Statute Books has no sense. The object of this Bill is to clear up the meaning of this Section.

Your Committee therefore recommends its passage.

Respectfully submitted,
ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 124) of the Committee on Judiciary on House Bill No. 102, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 17, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 102, entitled "An Act to Amend Section 1723 of the Revised Laws of Hawaii," begs leave to report that it has

had the same under careful consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 125) of the Committee on Judiciary on House Bill No. 65, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 17, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 65, entitled "An Act to Provide for Indeterminate Sentences for Certain Felonies," begs leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 126) of the Committee on Judiciary on House Bill No. 126, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 18, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 126, entitled "An Act to Amend Section 2552 of the Revised Laws of Hawaii, Relating to the Issuance of Preferred Stock by Corporations," begs leave to report that it has had the same under careful consideration and would report as follows:

Your Committee believes that the provisions of Section 2552 are not necessary to the protection of the public, the matter of issuing stock being matters of contract between the parties who may desire to form a corporation. This law follows the Massachusetts Law of 1903.

Your Committee recommends the passage of the Bill with the following amendments:

After the word "Territory" on line 4 insert the words "with power to issue stock." Insert the words "charter or" before the word "articles" in lines 6 and 7, so that Section 1 as amended will read as follows:

"Section 1. Section 2552 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

Section 2552. Preferred Stock. Any company incorporated under the laws of this Territory with power to issue stock may create two or more classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the charter or articles of association or in an amendment to said charter or articles which may be adopted, at a meeting duly called for the purpose, by the vote of three-fourths of all its stock, or, if two or more classes of stock have been issued, of three-fourths of each class of stock outstanding and entitled to vote."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Coelho, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho offered the following Resolution (No. 42) relating to adjourning out of respect to the memory of the late Hon. David Haili Kahaulelio:

RESOLUTION.

RESOLVED, that when the Senate adjourns, it adjourns out of respect to the memory of Honorable David Haili Kahaulelio, member of the Constitutional Convention of 1894.

W. J. COELHO,
Senator, 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Chillingworth and carried unanimously.

Senator Coelho gave notice of intention to introduce the following Bills:

"An Act to Provide for the Payment by the Territory of Hawaii of a Certain Judgment for the sum of Three Thousand and Two Dollars (\$3,002.00) together with interest thereon, Rendered by the Circuit Court for the Third Judicial Circuit of said Territory, in Favor of David K. Baker, Against Alatau T. Atkinson, Arthur M. Brown, Lorrin A. Andrews and Geo. P. Kamauoha."

"An Act Defining the Powers and Duties of Representatives of Estates of Deceased Persons in the Management and Distribution thereof."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 102) entitled "An Act to Provide for the Payment by the Territory of Hawaii of a Certain Judgment for the sum of Three Thousand and Two Dollars (\$3,002.00), Together with Interest thereon, Rendered by the Circuit Court of the Third Circuit of said Territory, in Favor of David K. Baker, against Alatau T. Atkinson, Arthur M. Brown, Lorrin A. Andrews and George P. Kamauoha."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho introduced a Bill (S. B. No. 103) entitled "An Act Defining the Powers and Duties of Representatives of Estates of Deceased Persons in the Management and Distribution thereof."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho gave notice of intention to introduce the following Bills:

"An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County of Maui created by virtue of Act 31 of the Session Laws of 1903."

"An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County Governments of East and West Hawaii created by virtue of Act 31 of the Session Laws of 1903."

"An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the Territory of Hawaii for Services and Materials Supplied during the period from the 4th to the 14th day of January, 1904."

"An Act Making Special Appropriations for the Use of the Government of the Territory of Hawaii to Pay the Unpaid Bills up to December 1, A. D. 1906."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 104) entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County of Maui created by virtue of Act 39 of the Session Laws of 1903."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho introduced a Bill (S. B. No. 105) entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County Governments of East and West Hawaii created by virtue of Act 39 of the Session Laws of 1903."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho introduced a Bill (S. B. No. 106) entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the Territory of Hawaii for Services and Materials supplied during the period from the 4th to the 14th day of January, 1904."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading

and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho introduced a Bill (S. B. No. 107) entitled "An Act Making Special Appropriations for the Use of the Government of the Territory of Hawaii to Pay the Unpaid Bills up to December 1, A. D. 1906."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Moore gave notice of intention to introduce the following Bills:

"An Act Relating to the Protection of Livery Stock."

"An Act to Amend Sections 2179, 2180 and 2181 of the Revised Laws of Hawaii."

Under suspension of the Rules, Senator Moore introduced a Bill (S. B. No. 108) entitled "An Act Relating to the Protection of Livery Stock."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Moore introduced a Bill (S. B. No. 109) entitled "An Act to Amend Sections 2179, 2180 and 2181 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act to Encourage Diversified Industries."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 110) entitled "An Act to Encourage Diversified Industries."

The Bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Under the head of Unfinished Business, the Senate proceeded with the consideration of House Bill No. 44 entitled "An Act Amending Act 108 of the Session Laws of 1907," on Second Reading.

Senator Coelho moved that the Bill be laid on the table. Seconded by Senator Knudsen and carried.

Third Reading of Senate Bill No. 16 entitled "An Act Re-

lating to Fishing in the Fisheries in the Sea Waters of the Territory of Hawaii."

Senator Harvey moved to amend Section 1 by inserting the words "or eligible to become a citizen" after the word "citizen" in line 1; inserting the word "sea" before the word "fisheries" in line 2; and by inserting the words "between the reefs and the beach" after the word "Hawaii" in line 3. Seconded by Senator Coelho and carried.

Senator Makekau moved that the Bill be laid on the table. Seconded by Senator Chillingworth and lost on the following showing of Ayes and Noes:

Ayes: Senators Chillingworth, Fairchild, Kalama, Knudsen, Makekau, Woods and Mr. President—7.

Noes: Senators Baker, Brown, Coelho, Harvey, McCarthy, Moore and Robinson—7.

Not Present: Senator Quinn—1.

Senator Fairchild moved that further action on the Bill be deferred until Thursday, March 25, 1909. Seconded by Senator Chillingworth and carried.

Third Reading of Senate Bill No. 68 entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws as Amended by Acts 34 and 37 Respectively of the Laws of 1905, and as further Amended by Act 50 of the Laws of 1907."

Upon motion of Senator Baker, seconded by Senator Makekau, action on the Bill was deferred until March 27, 1909.

Third Reading of Senate Bill No. 92 entitled "An Act to Amend Section 4 of Act 23 of the Session Laws of 1905, Relating to the Filing of Plans and Surveys of Land in the Office of the Registrar of Conveyances, and to Add a New Section to said Act to be known as Section 4A."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—1.

Third Reading of Senate Bill No. 93 entitled "An Act to Amend Section 1806 of the Revised Laws of Hawaii Relating to the Lien of District Court Judgments."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 92 entitled "An Act to Amend Section 3161 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—1.

Second Reading of Senate Bill No. 101 entitled "An Act to Prohibit the Sale and Use of Opium or Preparation thereof."

Referred to the Committee on Judiciary.

Second Reading of Senate Joint Resolution No. 1.

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 91 entitled "An Act Relating to the Militia, Amending Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii, adding New Sections thereto to be known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B, and Repealing Sections 130, 141, 142 and 166."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Bill passed Second Reading.

Second Reading of Senate Bill No. 25 entitled "An Act Relating to Marriage Licenses."

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Report of the Committee on the Bill was adopted.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 23 entitled "An Act to Repeal Chapter 81 of the Revised Laws of Hawaii."

Senator Coelho moved that the Bill pass Second Reading amended as recommended by the Committee. Seconded by Senator Harvey.

Senator Knudsen moved that the Bill be recommitted to the Committee on Judiciary. Seconded by Senator Robinson and carried.

Second Reading of House Bill No. 55 entitled "An Act to Repeal Section 1018 of the Revised Laws of Hawaii, Relating to Certificates of Vaccination."

Upon motion of Senator Makekau, seconded by Senator Kalama, the Bill was recommitted to the Committee on Judiciary.

Third Reading of House Bill No. 108 entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other

Means by Imposing a Tax on Incomes and Appropriating the Proceeds for such Purpose."

Senator Baker moved that further action on the Bill be deferred until March 27, 1909. Seconded by Senator Coelho and lost on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Makekau, Robinson and Woods—7.

Noes: Senators Chillingworth, Fairchild, Kalama, Knudsen, McCarthy, Moore and Mr. President—7.

Not Present: Senator Quinn—1.

Senator Makekau moved that further action on the Bill be deferred until March 25, 1909. Seconded by Senator Fairchild and carried.

At 12:10 o'clock Senator Chillingworth moved to take a recess until 2 o'clock. Seconded by Senator Moore and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Second Reading of House Bill No. 73 entitled "An Act to Provide for the Exemption of the Family Homestead from Forced Sale and to Repeal Section 1830 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 79 entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 88 entitled "An Act to Amend Section 9 of Act 39 of the Session Laws of 1905. Relating to the General Powers, Liabilities and Limitations of Counties."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 90 entitled "An Act to Amend Section 1577 of the Revised Laws Relating to the Appointment of Jailors."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 96 entitled "An Act Declaring and Designating a Certain Tract of Land at Hilo, Hawaii, as a Public Park."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of House Bill No. 117 entitled "An Act to Amend Sections 1299 and 1306 of the Revised Laws of Hawaii, Relating to Stamp Duties."

Referred to the Select Committee on Taxation.

Second Reading of House Bill No. 120 entitled "An Act

Declaring and Designating a Certain Tract of Land at Ma-kaoku, Waiakea, Hilo, Hawaii, as a Public Park."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of House Bill No. 119 entitled "An Act Defining the Meaning of the word 'Garage' as used in Section 1 of Act 96 of the Session Laws of 1907, Amending Chapter 102 of the Revised Laws of Hawaii."

Senator McCarthy moved to strike out the word "Station" in line 4 of Section 1, and the words "as defined in Webster's Imperial Dictionary, edition 1905" in lines 5 and 6 of Section 1. Seconded by Senator Coelho and carried.

Senator Coelho moved that the Bill pass Second Reading as amended. Seconded by Senator Brown and carried.

Senator Woods moved to reconsider the action taken on Senate Bill No. 16. Seconded by Senator Coelho and carried.

Senator Coelho moved that Senate Bill No. 16 pass Third Reading as amended. Seconded by Senator Woods.

The President here called the Vice-President to the Chair.

Senator Smith moved that the Bill be Indefinitely Postponed. Seconded by Senator Makekau.

The motion to Indefinitely Postpone was then put and lost on the following showing of Ayes and Noes:

Ayes: Senators Chillingworth, Fairchild, Kalama, Knudsen, Makekau, Quinn and Mr. President—7.

Noes: Senators Baker, Brown, Coelho, Harvey, McCarthy, Moore, Robinson and Woods—8.

The Bill then passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, McCarthy, Moore, Robinson and Woods—8.

Noes: Senators Chillingworth, Fairchild, Kalama, Knudsen, Makekau, Quinn and Mr. President—7.

Second Reading of Senate Bill No. 100 entitled "An Act to Amend Section 1995 of the Revised Laws, Relating to the Statute of Limitations."

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Bill passed Second Reading.

Second Reading of House Bill No. 102 entitled "An Act to Amend Section 1723 of the Revised Laws of Hawaii."

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Bill passed Second Reading.

Second Reading of House Bill No. 65 entitled "An Act to Provide for Indeterminate Sentences for Certain Felonies."

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Bill passed Second Reading.

Second Reading of House Bill No. 126 entitled "An Act to Amend Section 2552 of the Revised Laws of Hawaii, Relating to the Issuance of Preferred Stock by Corporations."

Senator Knudsen moved to amend Section 1 to read as follows:

"Section 1. Section 2552 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

Section 2552. Preferred Stock. Any company incorporated under the laws of this Territory with power to issue stock may issue two or more classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the charter or articles of association, or any amendment thereof, by the vote of three-fourths of all its stock, or, if two or more classes of stock have been issued, of three-fourths of each class of stock outstanding and entitled to vote."

Seconded by Senator Fairchild and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator Fairchild and carried.

A Communication (No. 32) from Mrs. Harmon E. Hendrick, President of the College Club, and others, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

MRS. HARMON E. HENDRICK,
President College Club.
IDA M. POPE,
CATHARINE E. B. COX.

The Communication was referred to the Committee on Education.

Under suspension of the Rules, Senator Brown offered the following Resolution (No. 43) relating to an appropriation of \$1,000.00 for the Erection of a School House at Kahaualea, Puna, Hawaii.

RESOLUTION.

RESOLVED, that the sum of One Thousand Dollars (\$1,000.00) be inserted in the Appropriation Bill for the erection of a School House at Kahaualea, District of Puna, Island and County of Hawaii.

JOHN T. BROWN,
Senator, 1st District.

Honolulu, March 18th, 1909.

Senator Brown moved that the Resolution be referred to the Committee on Education. Seconded by Senator Coelho and carried.

At 3:02 o'clock, upon motion of Senator Coelho, seconded by Senator Fairchild, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTY-SIXTH DAY.

Friday, March 19, 1909.

The Senate met, pursuant to adjournment at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Twenty-Fifth Day was read and, upon motion of Senator Makekau, seconded by Senator Robinson, approved as read.

A Communication (No. 33) from his Excellency, Wm. H. Taft, President of the United States, acknowledging receipt

of congratulatory telegram from the Legislature, was read by the Clerk as follows:

THE WHITE HOUSE

WASHINGTON.

March 5, 1909.

My Dear Mr. Smith:—I beg to acknowledge the receipt of the kind telegram of congratulation which you and Mr. Holstein were good enough to send me yesterday and to thank you both and the members of the Legislature of the Territory of Hawaii for your kindly expressions and good wishes.

Very sincerely yours,

WM. H. TAFT.

Hon. William O. Smith,
President of the Senate,
Honolulu, Hawaii.

The Communication was ordered received and placed on file. A Message (No. 9) from the Governor, vetoing House Bill No. 5, was read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii.

Executive Chamber,

Honolulu, March 19, 1909.

To the Legislature:

I herewith return House Bill No. 5, entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances," which I am unable to approve.

There is no objection to the general purpose of the Bill, but it contains a clause which is at least inapplicable to the cases for which it is intended and which may cause it to work hardships or render it ineffectual.

It applies only to conveyances of property upon which an undischarged attachment, mortgage or other incumbrance exists "which is not noted by memorandum on the certificate of title thereof." This last clause might be pertinent in the case of land for which a certificate of title has been issued in pursuance of a decree of the land registration court, but it has no application to the ordinary case of a conveyance of land by deed or otherwise. Doubtless the clause was inserted through inadvertence in following too closely some other statute which related to a different class of cases.

There is ample time to pass a new bill, if desired, to carry out the purposes of this bill.

WALTER F. FREAR,
Governor of Hawaii.

Senator Knudsen moved to reconsider the passage of House Bill No. 5 on the veto of the Governor. Seconded by Senator Chillingworth and carried.

Senator Coelho moved that further action on House Bill No. 5 be deferred until Monday, March 22, 1909. Seconded by Senator Chillingworth and carried.

A Communication (No. 23) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 24, 25, 26 and 27 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., March 18, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I beg leave to inform your Honorable Body that the Governor has this day, March 18, 1909, signed the following bills:

Senate Bill No. 4, Act 24, An Act To Provide For Biennial Reports To The Legislature Of The Territory Of Hawaii By Counties;

Senate Bill No. 52, Act 25, An Act To Amend Sections 2228 And 2230 Of The Revised Laws Relating To Divorce;

Senate Bill No. 62, Act 26, An Act To Amend Section 3196 Of The Revised Laws Of Hawaii, Pertaining To Offenses Against The Right of Sepulture;

Senate Bill No. 82, Act 27, An Act To Appropriate Money For The Relief Of Levi C. Lyman.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

A Communication (No. 24) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 28 by the Governor, was read by the Clerk as follows.

EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., March 18, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—It gives me pleasure to inform your Honorable Body that the Governor has this day, March 18, 1909, signed the following bill:

House Bill No. 24, Act 28, An Act Making Special Appropriations For The Payment Of Certain Claims Against The Territory Of Hawaii Incurred Prior To The Thirtieth Day Of June, A. D. 1907.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

A Communication (No. 105) from the House of Representatives, informing the Senate of the appointment by the Speaker of the House of Representatives of the Committee provided for under House Concurrent Resolution No. 7, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 18, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that in accordance with House Concurrent Resolution No. 7, which was adopted by the House and Senate, February 19th and February 23rd, A. D. 1909, respectively, the Speaker of the House has this day appointed the following as committee of four (4) members to act with a similar committee to be appointed by the Senate, who, together with the Speaker of the House, the President of the Senate, the Governor, the Secretary of the Territory, and the Delegate to Congress should arrange for all neces-

sary matters in connection with the carrying out of the purposes of said Resolution:

Representatives Shingle, Huddy, Kawewehi and Nawahine.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 34) from J. K. Kalaniana'ole, Delegate to Congress, informing the Senate of the ordering of a set of Hind's Parliamentary Precedents of the House of Representatives, sent to the Secretary of the Territory, was received and read by the Clerk as follows:

COMMITTEE ON THE TERRITORIES,

HOUSE OF REPRESENTATIVES, U. S.,

WASHINGTON, D. C.

March 6, 1909.

Hon. W. O. Smith,
President, Territorial Senate,
Honolulu, Hawaii.

My dear Senator:—I have just ordered an eight volume set of Hind's Parliamentary Precedents of the House of Representatives sent to the Secretary of the Territory with the request that he keep them in some accessible place for the use of the Territorial Senate and House of Representatives.

As this is the most complete work of its kind ever published, I hope it may be of some service to the members of the Territorial Legislature both in this and succeeding sessions.

Very truly yours,

J. K. KALANIANA'OLE,
Delegate to Congress.

Senator McCarthy moved that the Clerk be instructed to acknowledge the receipt of the same, and to inquire whether a set of the same could not be purchased for the use of the Senate, and if so that same be purchased and paid out of the Expenses of the Senate. Seconded by Senator Chillingworth and carried.

Senator Brown presented the Report (No. 127) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 109, 110 and 102, as follows:

Honolulu, T. H., March 19, 1909.

Hon. W. O. Smith,

President of the Senate.

Dear Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 109, 110 and 102 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

E. W. QUINN,

C. J. McCARTHY.

The Report of the Committee was received and placed on file.

Senator Fairchild presented the Report (No. 128) of the Committee on Ways and Means on House Concurrent Resolution No. 16, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 19th, 1909.

Hon. Wm. O. Smith,

President of the Senate,

Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Concurrent Resolution No. 16, Relating to Tariff Revision, begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of the Resolution is to lay before the Congress of the United States certain facts relative to the growing of Coffee within certain portions of the United States of America, and seeking to obtain a tariff on the same.

Your Committee views the Resolution with favor, and recommends its adoption.

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

H. T. MOORE,

E. W. QUINN,

JOHN T. BROWN,

W. J. COELHO.

Upon motion of Senator Fairchild, seconded by Senator Kalamā, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 129) of the Committee on Judiciary on Senate Bill No. 23, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 19th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was recommitted Senate Bill No. 23, entitled "An Act to Repeal Chapter 81 of the Revised Laws of Hawaii," begs leave to report that it has had the same under careful consideration, and would recommend its passage with the following amendments:

1. Amend the title to read as follows:

"An Act to Amend Section 1019 of the Revised Laws of Hawaii, Relating to Vaccination."

2. Amend Section 1 to read as follows:

"Section 1. Section 1019 of the Revised Laws of Hawaii is hereby amended to read as follows:

Section 1019. Manner of Vaccination. No child shall be vaccinated except after an opportunity has been given to the parent or guardian to be present at such vaccination, unless such parent or guardian shall have consented in writing to such vaccination, and then only by a duly licensed and authorized physician who shall use for such vaccination bovine virus only, obtained from standard manufacturers; such vaccination shall be only by means of points put up in hermetically sealed tubes or other antiseptic receptacles; each receptacle shall be opened immediately before a point is to be used, in the presence of the person to be vaccinated, and no point shall be used for the vaccination of more than one person.

Any person violating any provision of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment not to exceed one year, or by both such fine and imprisonment."

Respectfully submitted,

ERIC A. KNUDSEN.

Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Coelho, seconded by Senator Kalamia, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 130) of the Committee on Judiciary on Senate Bill No. 28, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 19th, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 28, entitled "An Act to Amend Section 1647 of the Revised Laws of Hawaii," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to give the Circuit Courts jurisdiction in appeals from Boards of Liquor Commissions.

Now that an amendment to the Liquor Law gives the right to appeal this Bill should pass, and it so recommends.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 131) of the Committee on Judiciary on Senate Bill No. 96, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 19th, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 96, entitled "An Act to Provide for the Vesting of Title of Trust Estates," begs leave to report that it has had

the same under careful consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

The Senate proceeded with the Order of the Day.

Senator Makekau moved to reconsider the action taken on House Bill No. 108. Seconded by Senator Woods and carried.

Senator Makekau moved that the Senate proceed to the consideration of House Bill No. 108 on Third Reading. Seconded by Senator Chillingworth and carried.

Third Reading of House Bill No. 108 entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory, through Immigration and other Means by Imposing a Tax on Incomes and Appropriating the Proceeds for such Purpose."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Excused from Voting: Senator Baker—1.

Senator Coelho moved that the Senate concur in the amendments made by the House of Representatives to Senate Bill No. 17. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—12.

Noes: Senators Fairchild and Knudsen—2.

Not Present: Senator Chillingworth—1.

Third Reading of Senate Bill No. 25 entitled "An Act to Amend Chapter 144 of the Revised Laws, Relating to Marriage, by Adding thereto a New Section to be known as Section 2210A."

Senator Makekau moved to amend by striking out the word "twenty (20)" in line 11 and inserting in lieu thereof the word "fifteen (15)" and by striking out the word "eighteen

(18)" in line 12 and inserting in lieu thereof the word "fourteen (14)". Seconded by Senator Woods and lost.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes: Senator Makekau—1.

Not Present: Senator Kalama—1.

Third Reading of Senate Bill No. 91 entitled "An Act Relating to the Militia, Amending Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii, Adding New Sections thereto to be known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B, and Repealing Sections 130, 141, 142 and 166.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—1.

Third Reading of Senate Bill No. 100 entitled "An Act to Amend Section 1995 of the Revised Laws Relating to the Statute of Limitations."

Senator Knudsen moved to strike out the word "interrupting" in line 3 of Section 1 and insert in lieu thereof the word "interpreting." Seconded by Senator Chillingworth and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 65 entitled "An Act to provide for Indeterminate Sentences for Certain Felonies."

Senator Knudsen moved to insert the word "twelve" in place of the word "ten" in line 5 of Section 1. Seconded by Senator Fairchild and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 102 entitled "An Act to Amend Section 1723 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 119 entitled "An Act to Define the Meaning of the word 'Garage' as used in Section 1 of Act 96 of the Session Laws of 1907, Amending Chapter 102 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 126 entitled "An Act to Amend Section 2552 of the Revised Laws of Hawaii, Relating to the Issuance of Preferred Stock by Corporations."

The Bill Passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

At 11:50 o'clock Senator Makekau moved to take a recess until 2 o'clock. Seconded by Senator Woods and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Under suspension of the Rules, Senator Brown presented the Report (No. 132) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 103, 104 and 105, as follows:

Honolulu, T. H., March 19, 1909.

Honorable W. O. Smith,
President of the Senate.

Dear Sir:—Your Committee on Enrollment, Revision and Printing, begs leave to report Senate Bills Nos. 103, 104 and 105 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Second Reading of House Bill No. 114 entitled "An Act Making it a Misdemeanor to Deposit or cause to be Deposited in any Highway in the Territory of Hawaii, any Substance Dangerous to Traffic, and Providing a Penalty therefor."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 134 entitled "An Act to Amend Chapter 217 of the Revised Laws of Hawaii, Relating to Gambling, by Adding thereto Two New Sections to be known as Section 3175A and Section 3175B."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 136 entitled "An Act to Amend Section 1278 of the Revised Laws, as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax."

Referred to the Select Committee on Taxation.

Second Reading of House Bill No. 140 entitled "An Act Authorizing the Payment of Certain Persons for Services Actually Rendered under Employment by the Board of Supervisors of the City and County of Honolulu and by any Committee and Agent of said Board."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 102 entitled "An Act to Provide for the Payment by the Territory of Hawaii of a Certain Judgment for the sum of Three Thousand and Two Dollars (\$3,002.00), together with Interest thereon, rendered by the Circuit Court for the Third Judicial Circuit of said Territory, in favor of David K. Baker against Alatau T. Atkinson, Arthur M. Brown, Lorrin A. Andrews and George P. Kamauoha."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 109 entitled "An Act to Amend Sections 2179, 2180 and 2181 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

At 2:06 o'clock, a Message (No. 10) from the Governor, vetoing House Bill No. 37, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,

Executive Chamber,

Honolulu, T. H., March 19, 1909.

To the Legislature:

I return herewith, without my approval, House Bill No. 37,

entitled "An Act to Amend Chapter 14 of the Revised Laws of Hawaii Relating to 'Taxation, Educational and Judicial Districts.' "

A bill of this general character is very desirable for several reasons, such as to make taxation, educational and judicial districts conform to county and election districts; to change the boundaries of certain districts so as to meet changed conditions; and to remedy omissions and defects in the present laws relating to districts.

The bill in question, however, not only fails in large measure to accomplish these objects, but in some respects adds to the existing confusion. It relates only to taxation, educational and judicial districts, and it does not make these the same as the city, county and election districts. Incidentally, it does not include certain parts of the Territory in any district and contains some inaccuracies of description.

While it is an improvement in some respects upon existing laws, I believe that under the circumstances the desired objects may be best obtained by the passage of a new and more complete bill.

WALTER F. FREAR,
Governor of Hawaii.

Senator Coelho moved to reconsider the passage of House Bill No. 37 on the veto of the Governor. Seconded by Senator Knudsen and carried.

Senator Coelho moved that further consideration of House Bill No. 37 be deferred until Monday, March 22, 1909. Seconded by Senator Fairchild and carried.

Second Reading of Senate Bill No. 110 entitled "An Act to Encourage Diversified Industries."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of Senate Bill No. 103 entitled "An Act Defining the Powers and Duties of Representatives of Estates of Deceased Persons in the Management and Distribution thereof."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 104 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County of Maui created by virtue of Act 31 of the Session Laws of 1903."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 105 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County Governments of East and West

Hawaii created by virtue of Act 31 of the Session Laws of 1903."

Referred to the Committee on Ways and Means.

Senator Knudsen presented the Report (No. 1) of the Special Joint Conference Committee on House Bill No. 15, as follows:

Honolulu, T. H., March 18, 1909.

Honorable H. L. Holstein,
Speaker of the House of Representatives, and
Honorable William O. Smith,
President of the Senate
of the Territory of Hawaii.

Sirs:—Your Joint Committee to whom was referred for conference the Senate's amendment to House Bill No. 15, entitled "An Act to provide for the maintenance and support of the family of a deceased person pending the administration of his estate", introduced by Representative Castro, begs leave to report as follows:

We recommend the final passage of the Bill by concurring in the amendments made to the same by the Senate, excepting that a new subdivision be added to Section 1, to be known as subdivision 3, and to read as follows:

"Third. If the amount set apart be insufficient for the support of the widow and children, or either, the Court or Judge shall make such reasonable allowance out of the estate as shall be necessary for the maintenance of the family according to their circumstances during the progress of the settlement of the Estate, which allowance, in case of an insolvent Estate, shall not be longer than one year after granting letters testamentary or of administration."

Respectfully submitted,
ERIC A. KNUDSEN,
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU,
Senate Conferees;
A. D. CASTRO,
J. W. MOANAULI,
H. M. KANIHO,
House Conferees.

Upon motion of Senator Knudsen, seconded by Senator Woods, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—I.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 133) of the Committee on Judiciary on House Bill No. 87, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 19, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—The Judiciary Committee has had under consideration House Bill No. 87, entitled "An Act to Amend Section 2931 of the Revised Laws of Hawaii relating to Abduction", and reports as follows:

Section 2931 of the Revised Laws provides that if a female child under ten years of age is abducted, such abduction shall be conclusively presumed to be by force, and without her consent and against her will, and the amendment proposed by the Bill is to raise the age from ten years to twelve years, and the Committee believes that the change is a wise one and should be made; but to be consistent the committee is of opinion that the same change should be made in Section 2928, relating to carnal abuse of a female child.

Section 2928 provides that he who carnally abuses a female child under ten years of age shall suffer the punishment of death, or imprisonment for life at hard labor.

To carry out the views of the Committee we have prepared an amendment to House Bill No. 87, as follows:

AN ACT TO AMEND SECTION 2928 AND SECTION 2931 OF THE REVISED LAWS OF HAWAII.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2928 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

Section 2928. Carnal abuse of female under twelve; punishment. Whoever ravishes or carnally abuses and knows any female child under the age of twelve years, shall suffer the punishment of death, or imprisonment for life at hard labor, in the discretion of the court.

Section 2. Section 2931 of the Revised Laws of Hawaii is hereby amended to read as follows:

Section 2931. Consent of female under twelve, void. If the female so abducted be a child under twelve years of age, such abduction shall be conclusively presumed to be by force, and without her consent and against her will.

Section 3. This Act shall take effect from and after the date of its approval.

We recommend the passage of the Bill as amended.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

R. H. MAKEKAU,

CHAS. F. CHILLINGWORTH.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Report of the Committee was adopted.

Second Reading of Senate Bill No. 23 entitled "An Act to Repeal Chapter 81 of the Revised Laws of Hawaii."

Upon motion of Senator Coelho, seconded by Senator Knudsen, the Report of the Committee on Judiciary on the Bill was adopted.

Second Reading of Senate Bill No. 28 entitled "An Act to Amend Section 1647 of the Revised Laws of Hawaii."

Senator Knudsen moved that the Bill be recommitted to the Committee on Judiciary. Seconded by Senator Coelho and carried.

Second Reading of Senate Bill No. 96 entitled "An Act to Provide for the Vesting of Title of Trust Estates."

Upon motion of Senator Woods, seconded by Senator Kalamā, the Report of the Committee on the Bill was adopted.

A Communication (No. 106) from the House of Representatives, informing the Senate of its sustaining the veto of the Governor on House Bill No. 5, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., March 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the veto of the Governor on House Bill No. 5, entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Co-

veyances," was this day sustained in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 25) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 29 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 19, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—The honor falls upon me to notify your Honorable Body that the Governor has this day, March 19, 1909, signed the following bill:

House Bill No. 92, Act 29, An Act to Amend Section 3161 of the Revised Laws of Hawaii.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
A Communication (No. 35) from the President of the Free Kindergarten and Children's Aid Association, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

To the Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure

to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

(Signed) MARY ATHERTON RICHARDS,
President, Free Kindergarten and Children's
Aid Association for the Association.

The Communication was ordered referred to the Committee on Education.

A Communication (No. 36) from the Board of Managers of the Mid-Pacific Institute, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

To the Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

(Signed) FRANCIS W. DAMON,
EMMA L. DILLINGHAM,
JOHN W. WADMAN,
THEODORE RICHARDS,
G. P. CASTLE,
DOREMUS SCUDDER,
JULIETTE M. ATHERTON,
Board of Managers of the Mid-Pacific Institute.

The Communication was ordered referred to the Committee on Education.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act to Provide for the Payment of Commutation Due the Territory."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 111) entitled "An Act to Provide for the Payment of Commutation Due the Territory."

The Bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Kalama gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1203 of the Revised Laws of Hawaii."

Under suspension of the Rules, Senator Kalama introduced a Bill (S. B. No. 112) entitled "An Act to Amend Section 1203 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Kalama, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 2:35 o'clock, upon motion of Senator Coelho, seconded by Senator Quinn, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTY-SEVENTH DAY.

Saturday, March 20th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Robinson and Woods absent.

The Journal of the Twenty-sixth Day was read and, upon motion of Senator Brown, seconded by Senator Coelho, approved as read.

The Chair here announced the following as a Committee to act with the similar Committee appointed by the House of Representatives under the provisions of House Concurrent Resolution No. 7:

Senators Chillingworth, Knudsen, Kalama and Woods.

A Communication (No. 107) from the House of Representatives, informing the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 15, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the report of the Joint Conference Committee on House Bill No. 15, was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 108) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 119, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day

concurring in the amendments made by your Honorable Body to House Bill No. 119.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 109) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 126, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 126.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 110) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 108, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House

of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 108.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 111) from the House of Representatives, informing the Senate of the sustaining of the Veto of the Governor on House Bill No. 37, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the Veto of the Governor on House Bill No. 37, entitled, "An Act to Amend Chapter 14 of the Revised Laws of Hawaii, Relating to Taxation, Educational and Judicial Districts," was this day sustained in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 112) from the House of Representatives, returning Senate Bill No. 51, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to return herewith Senate Bill No. 51, which this day passed Third Reading in the House of

Representatives of the Territory of Hawaii with the following amendments:

In Section 1, line 6, strike out the words "one of such appointees shall be a resident" and insert in lieu thereof the words "two of such appointees shall be residents."

In line 8 of said Section after the words "County of Kauai" strike out all the words up to and including the word "year" in line 12 of same and insert in lieu thereof the words "They shall be commissioned for terms of two years."

In Section 3, line 4, strike out the word "two" and insert in lieu thereof the word "three".

In line 5 of said Section strike out the word "three" and insert in lieu thereof the word "four".

Very respectfully,

EDWARD WOODWARD.
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Chillingworth moved that further consideration of Senate Bill No. 51 be deferred until Monday, March 22, 1909, at 2 p. m. Seconded by Senator Kalama and carried.

A Petition (No. 37) from 78 Residents of the Island of Hawaii, protesting against any change in the Liquor Law, was read by the Clerk as follows:

To the Members of the Senate of the Territory of Hawaii.

Gentlemen:—Believing that the present Liquor Law has met the conditions for which it was framed, and that it has been fairly and satisfactorily executed; and believing that any change at this time is most undesirable; we, the undersigned citizens of Hilo, Hawaii, do most urgently petition your honorable body to take no action looking toward any alteration, change, or repeal of the present law.

(78 Signatures.)

The Petition was ordered received and placed on file.

Senator Makekau presented a Petition (No. 38) from 21 residents of Kohala, Hawaii, protesting against any change in the Liquor Law, as follows:

To the Members of the Senate
and the House of Representatives
of the Territory of Hawaii.

Greeting:—We, the Christian Endeavor Association of the

Island of Hawaii, at Kohala, assembled on March 17, 1909, humbly pray the Legislature of the Territory of Hawaii, Session of 1909, not to change and alter the present Liquor Laws.

We humbly submit,

(21 Signatures.)

The Petition was ordered received and placed on file.

Senator Makekau presented a Petition (No. 39) from the Protestant Church of Hawaii protesting against any change in the Liquor Law, as follows:

To the Members of the Senate
and the House of Representatives
of the Territory of Hawaii.

Greeting:—The Churches of the Island of Hawaii, assembled at Kohala, March 17, 1909, humbly pray the Legislature of the Territory of Hawaii, of the Session of 1909, not to change and alter the present Liquor Laws.

We humbly submit,

(21 Signatures.)

The Petition was ordered received and placed on file.

Senator Makekau presented a Petition (No. 40) from the Sunday School Association of Hawaii protesting against any change in the Liquor Law, as follows:

To the Members of the Senate
and the House of Representatives
of the Territory of Hawaii.

Greeting:—The Sunday School Association of Hawaii assembled at Kohala, March 17th, 1909, do humbly pray for support against the "Bill" changing and altering the present Liquor Laws.

We humbly submit,

THOS. S. K. NAKANELUA,
Superintendent.

DAVID ALAWA,
Secretary.

The Petition was ordered received and placed on file.

Senator Fairchild presented the Report (No. 134) of the Committee on Ways and Means on Senate Joint Resolution No. 1, as follows:

SENATE JOURNAL.

SENATE CHAMBER,

Honolulu, T. H., March 20th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir—Your Committee on Ways and Means, to whom was referred Senate Joint Resolution No. 1, Relating to Office Hours of Territorial Offices and Officers and Employees, begs leave to report that it has had the same under careful consideration, and would recommend its passage with the following amendment:

Strike out the words "or by" in line 4 and insert in lieu thereof the word "with" and add the words "approval of the" at the end of the same line.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.
W. J. COELHO,
E. W. QUINN,
H. T. MOORE,
JOHN T. BROWN.

Senator Fairchild moved that the Report of the Committee be adopted. Seconded by Senator Kalama.

Senator Chillingworth moved that the Report of the Committee be laid on the table to be considered with the Resolution. Seconded by Senator Knudsen and carried.

Senator Knudsen presented the Report (No. 135) of the Committee on Judiciary on Senate Bill No. 28, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 20th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 28, entitled "An Act to Amend Section 1647 of the Revised Laws of Hawaii," begs leave to report that it has had the same under careful consideration, and would recommend its passage, amended to read as follows:

"An Act to Amend Section 1648 of the Revised Laws of Hawaii, Relating to Circuit Judges at Chambers, by adding thereto a New Paragraph to be known as Paragraph Twelve." Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1648 of the Revised Laws of Hawaii is hereby amended by adding thereto a New Paragraph to be known as Paragraph Twelve, and to read as follows:

"Twelfth. Of all appeals that may properly come before them from any Board of License Commissioners according to Law."

Section 2. This Act shall take effect from and after the date of its approval.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 136) of the Committee on Judiciary on Senate Bill No. 67, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 20th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 67, entitled "An Act to Amend Chapter 37 of the Revised Laws of Hawaii, Relating to Game, by Adding two New Sections to said Chapter to be known as 'Section 459A' and 'Section 459B'," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of the Bill is to protect the Deer in this Territory from slaughter during the breeding season, which we are informed extends from the 1st day of November to the 1st day of April.

In nearly all of the States can be found stringent laws protecting deer and other game during the breeding season, and though deer in this Territory are confined to only one small

island, and are to be found mostly on private lands, yet it might be well to give them some protection.

We recommend the passage of this Bill amended to read as follows:

“An Act to Amend Chapter 37 of the Revised Laws of Hawaii, Relating to Game, by Adding thereto a New Section to be known as Section 459A.”

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 37 of the Revised Laws is hereby amended by adding thereto a New Section to be known as Section 459A* and to read as follows:

Section 459A. Close Season; punishment. It shall be unlawful to take, kill or destroy any wild deer between the first day of November and the first day of April.

The possession of a deer or any portion thereof between said dates shall be prima facie evidence of unlawful killing. Anyone violating the provisions of this Section shall be punished by a fine of not more than Fifty Dollars for each offense.

Section 2. This Act shall take effect from and after the date of its approval.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Quinn, seconded by Senator Knudsen, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Brown presented the Report (No. 137) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 107, 108 and 106, as follows:

Honolulu, T. H., March 20th, 1909.

Hon. Wm. O. Smith,

President of the Senate.

Dear Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill Nos. 107, 108 and 106 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

E. W. QUINN,

C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen presented the Report (No. 2) of the Special Joint Conference Committee on House Bill No. 20, as follows:

Honolulu, T. H., March 20th, 1909.

Hon. W. O. Smith,
President of the Senate,
Hon. H. L. Holstein,
Speaker of the House of Representatives.

Sirs:—Your Joint Conference Committee to which was referred House Bill No. 20, "An Act to Amend Section 2816 of the Revised Laws of Hawaii," begs to report as follows:

In lines 10 and 11 of the original Bill, strike out the following words:

"upon pain of contempt to the court."

Otherwise the Bill to remain as originally passed in the House. Therefore the Bill as agreed upon by your Committee and the Conferees of the Senate, shall read as follows:

"Section 2816. Assignment of Counsel for Defense. In all cases of felony in which the party accused is unable to employ counsel for his defense, the court may assign him counsel from among the licensed practitioners, at a fee of not more than One Hundred Dollars, discretionary with the Court, to be paid by the Territory from the appropriation of the Circuit wherein the occasion arises, who shall use every lawful exertion in his behalf."

With this amendment your Committee and the Senate Conferees recommend its passage.

Respectfully submitted,

E. A. DOUTHITT,
WM. J. SHELDON,
M. T. FURTADO,
ERIC A. KNUDSEN,
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Knudsen moved that the Report of the Committee be adopted. Seconded by Senator Fairchild.

Senator Chillingworth moved as an amendment that the Report of the Committee be deferred until Tuesday, March

23rd, 1909. Senator Knudsen accepted the amendment which carried.

Senator Knudsen presented the Report (No. 3) of the Special Joint Conference Committee on House Bill No. 18, as follows:

Honolulu, T. H., March 20th, 1909.

Hon. W. O. Smith,
President of the Senate,

Hon. H. L. Holstein,
Speaker of the House of Representatives.

Sirs:—Your Joint Conference Committee to which was referred House Bill No. 18, "An Act to Amend Section 1660 of the Revised Laws of Hawaii as amended by Act 61 of the Session Laws of 1905, relating to the appointment and removal of District Magistrates," begs leave to report as follows:

In lines 7 and 8 of the original Bill change "each Magistrate shall be a resident of the District for which he is appointed" as proposed by Senate amendment to this Bill, and insert in lieu thereof the following:

"Each Magistrate shall reside in the District for which he is appointed,"

In lines 8, 9, 10 and 11, beginning with the word "and" to stand as originally contained in the Bill; so that the bill as finally agreed upon between your Committee and the Conferees of the Senate shall read as follows:

"Section 1660. There shall be appointed one or more District Magistrates for each Judicial District of the Territory; such appointment shall be made by the Chief Justice of the Territory. Each Magistrate shall reside in the District for which he is appointed, and such magistrate shall have passed an examination for admission to practice in the District Courts of the Territory."

With these amendments your Joint Conference Committee recommends its passage.

Respectfully submitted,

E. A. DOUTHITT,
WM. J. SHELDON,
M. T. FURTADO,
ERIC A. KNUDSEN,
R. H. MAKEKAU,
CHAS. F. CHILLINGWORTH.

Upon motion of Senator Knudsen, seconded by Senator Chillingworth, further action on House Bill No. 18 was deferred until Tuesday, March 23rd, 1909.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act Amending Paragraph 3 of Section 3069 of the Revised Laws, Relating to Contempt."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 113) entitled "An Act Amending Paragraph 3 of Section 3069 of the Revised Laws, Relating to Contempt."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Harvey gave notice of intention to introduce a Bill entitled "An Act to Amend Chapter 94 of the Revised Laws of Hawaii, as Amended by Act 112 of the Laws of 1907, Relating to Leper Settlement and Hospitals by Adding a New Section thereto to be known as Section 1122B."

Under suspension of the Rules, Senator Harvey introduced a Bill (S. B. No. 114) entitled "An Act to Amend Chapter 94 of the Revised Laws of Hawaii, as Amended by Act 112 of the Laws of 1907, Relating to Leper Settlement and Hospitals by Adding a New Section thereto to be known as Section 1122B."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 80 entitled "An Act to Regulate the Expenditure of Public Money."

Senator Fairchild moved to adopt the Report of the Committee on the Bill. Seconded by Senator Knudsen and carried.

Second Reading of Senate Bill No. 94 entitled "An Act to Amend Section 1069 of the Revised Laws of Hawaii, Relating to the Practice of Medicine."

Senator Makekau moved to strike out the word "Leprosy" in line 6 of Section 1 and insert in lieu thereof the word "Asthma." Seconded by Senator Woods and carried.

Senator Makekau moved that the Bill pass Second Reading as amended. Seconded by Senator Woods and carried.

Third Reading of Senate Bill No. 86 entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

Senator Coelho moved to amend Section 1 so as to read as follows:

"Section 1. Section 1069 of Chapter 89 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

Section 1069. Practice of Medicine Defined. For the purposes of this Chapter the practice of medicine shall be held to include the use of drugs and medicines, water, electricity, hypnotism, or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided, however, that nothing herein contained shall be held to forbid any person from the practice of any method, or the application of any remedial agent or measure under the direction or with the approval of a licensed physician; and provided further, that nothing herein contained shall be held to forbid any person from the practice of any method, or the application of any remedial agent or measure in the treatment of a person supposed to have leprosy, asthma, consumption or tuberculosis in any case which a duly licensed physician shall have, by written certificate, pronounced hopeless and beyond recovery. For the purposes of this Act, any licensed physician who shall pronounce a case hopeless and beyond recovery, shall give a written certificate to that effect to the person afflicted, or his or her attendants, or to the Sheriff, Deputy Sheriff or District Magistrate of the District wherein such person lives." Seconded by Senator Quinn.

Senator Makekau moved as an amendment that further action on the Bill be deferred until Tuesday, March 23, 1909. Seconded by Senator Chillingworth and carried.

Third Reading of Senate Bill No. 23 entitled "An Act to Amend Section 1019 of the Revised Laws of Hawaii, Relating to Vaccination."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of Senate Bill No. 96 entitled "An Act to Provide for the Vesting of Title of Trust Estates."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 87 entitled "An Act to Amend Section 2928 and Section 2931 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of Senate Joint Resolution No. 1.

Senator Fairchild moved that the Resolution pass Second Reading amended as recommended by the Committee. Seconded by Senator Knudsen and carried.

Second Reading of Senate Bill No. 28 entitled "An Act to Amend Section 1647 of the Revised Laws of Hawaii."

Senator Moore moved to adopt the Report of the Committee on the Bill. Seconded by Senator McCarthy and carried.

Second Reading of Senate Bill No. 67 entitled "An Act to Amend Chapter 37 of the Revised Laws of Hawaii, Relating to Game, by Adding Two New Sections to said Chapter to be known as 'Section 459A' and 'Section 459B'."

Senator Quinn moved that the Report of the Committee on the Bill be adopted. Seconded by Senator McCarthy and carried.

Second Reading of Senate Bill No. 106 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims Against the Territory of Hawaii for Services and Materials supplied during the Period from the 4th to the 14th day of January, 1904."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 107 entitled "An Act Making Special Appropriations for the Use of the Government of the Territory of Hawaii to Pay the Unpaid Claims up to December 1, A. D. 1906."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 108 entitled "An Act Relating to the Protection of Livery Stock."

Referred to the Committee on Judiciary.

A Communication (No. 113) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 65, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day

concurrent in the amendment made by your Honorable Body to House Bill No. 65.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 114) from the House of Representatives, transmitting House Bill No. 122, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 122, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 122 entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 115) from the House of Representatives, transmitting House Bill No. 144, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 144, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 144 entitled "An Act to Provide for the Acquisition of Land and Other Property for Public Purposes."

The Bill was read by title and upon motion of Senator Knudsen, seconded by Senator Quinn, passed First Reading.

Under suspension of the Rules, Senator Fairchild presented the Report (No. 138) of the Committee on Ways and Means on House Bill No. 140, as follows:

Honolulu, March 20, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu, T. H.

Sir:—Your Committee to whom was referred House Bill No. 140 in reference to the payment of certain persons for services actually rendered under employment by the Board of Supervisors of the City and County of Honolulu, and by any committee and agent of said Board, has had the same under careful consideration and begs leave to report as follows:

Your Committee has conferred with the Mayor and the Board of Supervisors of the City and County of Honolulu and has received from them duly certified lists of all persons who have actually performed services during the period beginning with January 4th and ending February 28th of this year.

We would recommend the bill to pass amended as follows:

First. Amend title to read as follows:

"Authorizing the payment of certain persons for services actually rendered to the City and County of Honolulu."

Second. Amend Section 1 to read as follows:

"Section 1. The Auditor of the City and County of Honolulu is authorized and directed to issue warrants on the Treasurer of the City and County of Honolulu in favor of the following persons for the amounts hereafter respectively designated opposite their names; provided, however, that all warrants heretofore issued by said Auditor to such persons for the respective amounts designated below or any portion thereof are hereby confirmed, validated and approved and shall have like effect as if said warrants were issued after the taking effect of this Act, and provided further that in any such case, said Auditor shall issue a warrant to any such person only for any excess of the amount authorized by this Act over the amount specified in the warrant or warrants heretofore issued to him. No warrant shall be issued until a receipt or receipts in full for the claim of the person below named in whose favor it is issued against the City and County of Honolulu up to and including February 28th, 1909, is filed with said Auditor.

Name.	Amount.
A. Gunderson.	\$ 144.00
M. S. Rocha.	90.00
Chas. Stewart.	12.50
Joe Gouveia.	135.00
M. B. Andrade.	162.75
M. Raphael.	73.50
J. C. Oliveira.	160.12
M. W. Lee.	73.94
J. Kaumiumi.	70.00
Thos. Kakalia.	78.00
Thos. Kakalia.	17.50
Abr. Kekai.	112.00
Lono Mitchell.	99.75
Sam Paulo.	103.25
Kaleiheana.	66.75
Joe Cruz.	3.00
Geo. P. Paunini.	118.00
R. Duvauchelle.	116.00
D. Kahapea.	101.50
Chas. Young.	103.25
D. K. Keanu.	5.25
D. K. Keanu.	15.00
Chas. Oio.	3.50
Chas. Oio.	60.00
Moku.	77.00
Moku.	1.50
O. Holt.	49.50
Hooluhi.	64.75
Hooluhi.	1.50
Hooluhi.	11.25
Sam Leleo.	27.00
H. Kaai.	3.50
H. Kaai.	16.50
C. B. Larsen.	191.63
Richard Kali'i.	107.50
Joe Ferreira.	150.50
Thos. Evans.	28.00
W. B. Hopkins.	142.63
John D. Holt, Jr.	62.00
B. Kahoopii.	148.75
Sam Piinao.	131.25
Frank Enos.	10.50
Frank Enos.	75.00
Man'l de Mello.	153.00
Man'l Souza No. 2.	46.50
John Deniz.	60.00

Name.	Amount.
John Deniz.	5.25
Albino Machado.	57.75
Albino Machado.	7.50
Man'l Almeida.	54.00
M. Ferreira No. 1.	42.75
Antone Luciana.	65.25
John Almeida.	54.75
John Almeida.	7.00
Joe De Mello.	63.00
Man'l Martins.	47.69
Man'l Martins.	26.25
Man'l Deniz.	1.75
Man'l Deniz.	45.00
Man'l Souza No. 1.	1.75
Man'l Souza No. 1.	63.00
H. Welch.	49.50
August Martins.	54.00
F. Rego.	6.00
Joe Moniz.	61.50
Man'l Paiva.	49.50
Man'l Cabral.	64.00
Man'l Cabral.	3.00
Peter Garcia.	55.50
Man'l Correa.	52.50
Joe Gindee.	40.50
F. Souza.	25.50
M. E. Silva.	40.50
M. E. Silva.	12.25
Man'l Ferreira.	55.50
Man'l Dias.	7.87
Sam Macy.	117.00
K. Kamaha.	60.00
Chas. Kiekie.	27.00
S. K. Kaulili.	7.50
K. Kalakiela.	6.00
M. Kaaua.	13.50
J. H. Imihia.	1.50
D. Kanakaole.	48.00
T. Keolanui.	9.75
T. Keolanui.	38.00
M. Keawe.	37.50
E. Johnson.	27.00
E. Johnson.	33.25
H. E. Pettersen.	69.00
H. E. Pettersen.	12.00
J. Nahinu.	87.50

Name.	Amount.
Wm. Akana.	37.50
Wm. Akana.	5.25
Joe Joseph.	28.00
Joe Joseph.	13.50
Kahaleopio.	12.00
Kahaleopio.	8.75
Kaelele.	3.00
J. K. Kaikoo.	19.50
Kalaeiwa.	25.50
Kalaeiwa.	10.93
Holoholoku.	7.50
J. Haupu.	40.50
J. Haupu.	1.75
Lono Kaiolohia.	36.00
A. Benavitz.	16.50
W. Leleiwi.	42.00
W. Leleiwi.	10.50
D. P. Kinolau.	55.50
J. Kaina.	22.75
J. Kaina.	16.50
J. Kaina.	52.50
S. K. Kaleikini.	15.00
Sam Ku.	63.00
John Kimona.	43.88
Sam Keawe.	1.50
K. Namahoe.	33.38
K. Lilinoe.	21.00
J. K. Kekaula.	45.75
Wm. Kahale.	52.87
E. Mikalemi.	16.50
E. Mikalemi.	58.00
E. Mikalemi.	13.12
S. Kaia.	43.50
Kahelemauna.	40.87
M. Lilinoe.	48.38
Kaluawai.	60.00
Kaluawai.	8.00
Lehuanui.	64.50
P. Kilinahe.	40.87
P. Kilinahe.	7.00
Kaukuna.	61.50
Manu.	58.50
Maikini.	52.50
J. K. Kapukui.	58.50
J. K. Kapukui.	7.50
J. K. Merseberg.	126.00

Name.	Amount.
Kaai.	55.50
J. Haiku.	28.50
Halongiau.	28.87
Akamu.	48.00
Manaia.	40.50
Jos. Kawai.	57.00
Geo. Makalena.	93.00
Geo. Makalena.	25.00
W. P. Kamai.	46.50
W. P. Kamai.	10.50
Kaluanu.	55.50
John Kalua.	25.50
J. H. Kuu.	22.50
Man'l Vierra.	34.50
Man'l Vierra.	7.00
Robt. Kamai.	37.50
Kukulu.	21.00
Fred Heihei.	9.00
Akoni.	12.00
D. K. Kaiole.	61.50
Wm. Noa.	98.13
Keakaikawai.	60.37
Keakaikawai.	10.00
Afong Akiona.	47.25
Afong Akiona.	10.50
J. Bell.	27.75
J. Bell.	7.00
Kaohimanu.	10.50
Sam Kauhi.	62.85
Kaau Lahaina.	77.14
Holokahiki.	53.25
Kaniela.	49.50
Chas. Clarke.	99.00
Kaaihue.	37.50
Sam Ikuwa.	55.50
John Makaiwi.	57.00
Makaiwi Pala.	58.50
Andy Hulama.	60.00
Aho.	38.50
Aho.	24.00
Keano.	25.50
Keano.	38.50
W. Kapana.	51.00
Abraham Puli.	58.50
J. Kanae.	118.00
Joe Ramos.	105.00

Name.	Amount.
Sam Keawe.	78.00
Sam Keawe.	7.00
F. Frank.	57.00
Kaulili.	49.50
J. Kaopua.	18.00
Adam Kealakai.	46.50
Ili.	24.00
Wm. K. Rathburn.	150.00
Sam Kahiona.	75.25
Koa.	79.62
Geo. Meheula.	81.37
D. Adams.	3.00
D. Adams.	17.50
Sam Kaeo.	83.12
John Adams.	71.75
Wahalana.	82.68
Sam Piko.	85.75
Kumuki.	75.25
Kalamaopio.	78.75
Keliikuewa.	75.25
Kuakapu.	71.75
Lui Vera Cruz.	80.50
Sam Kaehuaea.	75.25
Kailihiwa.	77.00
H. K. Haole.	84.43
Papaiku.	71.75
Lui Kealoha.	1.50
Lui Kealoha.	80.50
Jos. Kaakua.	61.68
J. Kaapana.	59.93
Isaac Kuula.	10.50
Isaac Kuula.	48.00
Peter Davis.	64.75
I. Nauha.	70.50
W. Weisbarth.	31.50
S. P. Keaniani.	55.50
S. P. Keaniani.	1.75
M. Muumuu.	83.99
Kauano.	64.75
Kipola.	78.75
Jack.	69.12
Chas. Alapai.	1.75
Chas. Alapai.	115.50
Chas. Kauhane.	47.25
Halemano.	7.00
Halemano.	4.50

Name.	Amount.
Wm. Kahele.	29.75
D. Kama.	59.50
Wm. Bell.	80.94
A. Morris.	75.25
Chas. Pae.	17.94
J. Aiu.	63.00
Wm. Pihenui.	7.00
M. Espinda.	1.75
D. Keki.	63.00
E. Alapai.	76.13
S. Napule.	5.25
Robt. Kaili.	3.00
Robt. Kaili.	12.25
Robt. Kaili.	43.50
Robt. Kaili.	4.00
Jim Kupihea.	36.75
Jim Kupihea.	27.00
J. K. Kealoha.	1.50
J. K. Kealoha.	75.25
Kaiminaauao.	49.88
J. Maukali.	37.50
J. Maukali.	10.00
J. Silva.	5.25
J. Silva.	39.00
K. Nakieha.	28.50
Sol. Palau.	30.00
J. K. Kaanaana.	43.50
J. K. Kaanaana.	5.25
S. M. Pulehu.	43.50
S. M. Pulehu.	5.25
Ed. Namohala.	94.00
F. Van Gieson.	51.86
Joe Smith.	2.00
Joe Smith.	4.50
Toney Riney.	30.00
Toney Riney.	5.25
J. Pomaikai.	42.75
W. Hutchinson.	10.50
A. S. Kaleiupu.	63.00
J. K. Painahala.	24.00
J. K. Painahala.	12.25
F. Kamara.	31.50
C. Kane.	24.00
Geo. Kalilikane.	22.87
Henry Pritchard.	1.50
C. L. Kopa.	15.00

Name.	Amount.
H. Kahula.	4.50
Louis Gomes.	31.87
Punahoa.	13.50
K. Kaleikini.	13.50
K. Kaleikini.	1.75
H. Kanakaole.	9.00
Piikuahiwi.	9.00
Geo. Kamali.	7.50
Joe Makia.	7.50
L. Lima.	31.50
Kala.	3.50
J. Kahalekaula.	45.00
M. Felix.	39.00
Dan Kama.	28.50
D. Kelii.	42.00
H. Kelii.	43.50
J. Kapana.	15.00
Loloihi.	40.50
Keliiaipaha.	45.00
Alika.	39.00
M. Olivera.	36.00
Nalunui.	36.00
A. F. Souza.	12.75
Joe Cabral.	9.00
D. Puhiken.	13.11
K. Pila.	7.50
J. R. Souza.	12.00
A. Rodrigues.	13.50
J. Kaluna.	16.50
Kiniakua.	7.50
H. P. Mahulu.	18.00
H. P. Mahulu.	1.75
H. P. Mahulu.	4.00
J. Haiku.	15.00
Oio.	6.75
K. S. Kohiana.	7.50
Naele.	7.50
Geo. K. Iahaina.	30.00
Wm. Trask.	30.00
Geo. Kawai.	13.50
Geo. Kawai.	1.75
Joaquin Gonsalves.	24.00
J. Kapana.	27.00
David Laelae.	1.75
Dan Kauai.	31.50
Kenwe.	3.50

Name.	Amount.
Geo. Kealaula.	9.00
Adam Ohia.	7.50
Geo. Baker.	4.50
David Kala.	19.25
Frank Gouveia.	6.00
Chas. Keahi.	15.00
Lui Kapua.	7.50
Antone Resents.	8.25
Man'l Felles.	1.50
Manuel Medeiros.	4.50
M. Rego.	3.00
M. Muscoit.	4.50
A. G. Kannegeifur.	12.00
S. Kanalea.	4.50
S. Kanalea.	5.25
M. Espinda.	4.50
D. Maluo.	8.00
John Gonsalves.	2.25
Hoaliku.	1.50
S. Kaiapoepe.	1.50
Kaleopa.	1.50
K. Kannaolo.	12.00
C. Hau.	12.00
Wm. Olepau.	21.00
K. Popee.	8.75
Kahau.	8.75
Chas. Makanui.	7.00
Paul Iona.	12.25
Poni.	3.00
Poni.	7.00
Manuel Delmida.	18.37
S. Kapule.	3.00
Thos. P. Cummins.	374.20
Luther A. K. Evans.	238.85
Ed. Hopkins.	187.11
Lucy Lloyd.	140.30
Chas. Coster.	159.05
R. Kinney.	112.25
Chas. Ekahi.	93.53
Geo. Kapihe.	74.85
Makakoa.	74.85
J. K. Kaianui.	74.85
J. K. Maunakea.	56.15
W. H. Kailimai.	74.70
J. K. Kahoiwai.	74.70
Alex. Bishaw.	74.70

Name.	Amount.
S. L. Aylett.....	74.70
S. C. Stibbard.....	214.68
K. Piilani,	35.25
J. Kaanaana,	44.25
Kahunanui,	39.75
M. Kalawela,	27.00
Kahoa Liilii,	32.25
Napahuelua,	60.75
T. Mahoahoa,	23.25
K. Hina,	24.75
L. Luahine, ..	19.50
Paniki, ..	38.25
J. Keahi,	9.00
G. McGowan,	39.00
Kookoo, ..	32.25
K. Kaiama,	40.50
H. Kipi	39.75
J. Kini, ..	42.75
Haupu, ..	45.00
J. Kahocpaikua, ..	24.00
H. Kaolelopono, ..	42.75
M. Fernandez, ..	42.75
L. Poi, ..	48.75
J. Kaulana, ..	41.25
Li, ..	20.25
Kawahabeenni, ..	20.25
Lihau, ..	36.75
F. Kealoha, ..	46.50
J. Higgins, ..	37.50
M. Johnson, ..	61.50
G. Keola, Sr.	15.00
B. Kahaunaale, ..	35.25
S. Kahikina, ..	31.50
G. Keola, Jr.....	9.00
Kaihe, ..	35.25
Luhe, ..	17.25
H. Piimoku, ..	15.75
G. Keola, ..	9.00
J. Nu, ..	49.85
J. Kelii, ..	47.25
D. Kaauwai, ..	55.15
S. Keone, ..	39.45
S. Kinipoki, ..	49.85
S. Kama, ..	10.50
W. Hao, ..	33.25
Kinolau, ..	41.15

Name.	Amount.
K. Kupihe.	43.70
W. Maka.	53.40
G. Laweoki.	50.75
A. P. Johnson.	56.85
L. Kaiwa.	54.25
Kiha.	51.65
L. Paahao.	49.00
A. Baker.	47.25
S. Keoloewa.	56.85
J. E. Kahoa.	78.00
S. Keakamai.	62.00
G. Kalama.	70.00
J. Archer.	64.50
G. Robinson.	94.50
P. Manuel.	93.00
J. K. Luka.	82.50
S. Smith.	111.00
E. Kekaula.	75.15
J. H. Travis.	170.85
D. K. Kukea.	42.50
W. K. Gilman.	74.00
Sol. Wood.	54.25
J. K. Smith.	65.63
Kauli.	53.37
A. Kaaloa.	47.25
G. Kalamakee.	50.75
S. Kaululaau.	43.75
Hoomana Hale.	61.25
Hoomana Hale.	21.00
J. Kahaokamoku.	67.50
Kenoa.	61.25
D. Palau.	63.00
Iokia Kanihonui.	45.00
D. Kuewa.	45.00
M. Luka.	42.00
G. Kalamakee.	4.50
Tom Lopez.	51.75
Keahipaka.	52.50
R. Kaleikini.	54.00
A. Naukana.	45.00
Kauhola.	37.50
Hale Koma.	39.75
Kaaoahema.	33.00
Keawemaubili.	37.50
G. M. Uaia.	39.75
Thos. Kawahakui.	49.50

Name.	Amount.
Laie Kanihonui	37.50
J. Keahipaka	45.00
M. Alameda	31.50
Keawe Opio	36.00
P. Kaaiawaawa	30.00
Kaaihue	31.50
Kaamai	39.00
Koolaha	36.00
Kaneakalau	33.00
Aila, Jr.	34.50
D. Waiholua	39.00
Aila, Jr.	8.75
Kalama	43.75
Kawelo	46.50
D. Ineleo	19.50
R. Ahuna	37.50
R. Ahuna	1.75
Kealoha, Jr.	43.50
J. E. Kualii.....	27.00
D. Palauina	37.50
Keawe Kanuha	36.00
Haona	33.00
Lui Haona	24.00
G. B. Kuanoni	33.00
Pelike	45.00
Hanae	37.50
Sam Aukai	34.50
Keaupuni	28.50
H. N. Kanihonui.....	37.50
Chas. Kukea	140.00
M. Leialo	74.65
H. Harrison	40.00
Thos. Clarke	84.00
J. A. Smith.....	54.25
Ili Koko	34.50
Kamaka Kaunu	24.00
G. M. Uaia.....	5.25
Nakaiewalu	26.25
Sam Kekauoha	20.00
Eluene Poe	31.50
J. Kamai	7.50
Makaulu	12.00
Chas. Bridges	130.00
Chas. Ferreira	145.25
K. Meyer	84.00
Hamana Kalili	71.75

REGULAR SESSION.

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Name.	Amount.
Wm. Dedrick	64.10
Gus. Kaleohana	56.65
Sam Kekaouha	35.00
Joe Kekoa	44.85
A. Kahananui	62.10
Ninaulij	16.50
Keola	25.50
Mamane	30.00
H. Kalawaia	24.00
P. Kekaouha	44.40
Mauliawa	45.00
S. Makapo	46.30
W. Hokuula	54.90
Z. Naone	47.40
Geo. Nui	40.50
S. Kakelaka	50.40
D. Ahsing	24.00
E. Keaunui	29.25
Waa	52.50
Sam Kalili	51.15
Elia Nahulu	25.50
Sol. Adams	24.00
Elia Lono	18.00
Kuaiwa Naone	22.50
Kauhini, Jr.	43.50
J. Mahiaj	31.50
Hawe Holi	42.15
Kauhini, Jr.	3.50
D. Ahman	1.50
Lakana	45.90
D. Paakaula	47.40
M. Aalona	46.65
Kao	29.40
Nuuihiwa	18.00
Jno. Nailili	43.50
Holokana	18.00
Kaainoa	18.00
Makauole	36.00
Sam Aalona	32.60
Kaokai	46.50
Sol. Kahawaii, Sr.	30.00
Sol. Kahawaii, Jr.	40.50
Pila Mokuiki	37.85
S. W. Logan	34.50
Chas. Padaken	16.50
Jno. Paahao	16.50

Name.	Amount.
Kimela	21.90
Kepa Kahawai	28.50
Papa	3.00
Kaaihue	19.50
C. Spillner	27.00
Namilimili	21.00
Kekaa	21.00
D. Pake	17.05
Kema Makanoa	17.05
J. Mahiai	19.90
Mokuiki Opio	15.55
P. Kekauoha	8.75
Wm. Lane	5.25
A. Keaunui	5.25
Kamuela Pahu	27.00
J. N. Gere	86.65
M. Lopez, Sr.	158.65
Kalawaia	56.00
Kelii Bolabola	56.00
John Bell	62.50
Bill Manaca	106.50
George Watson	60.00
P. D. Kellet.	95.00
James Kawai	55.00
Kaapuni.	65.60
Peter Namoho	63.85
R. Watson	40.25
Ch. Corney	33.75
Lui Hookano	58.50
Wm. Watson, Sr.	39.00
Pue.	42.75
Molohea.	35.25
L. Paahao	8.75
A. Baker	8.75
J. E. Kahoa	20.00
S. Keakamai	10.00
G. Kalama	12.50
J. K. Luka.	9.00
S. Smith	12.00
P. Manuel	9.00
J. Archer	15.00
G. Robinson	15.00
E. Kekaula	27.50
J. H. Travis.	62.50
Solomon Peck	140.00
Tom Forrest	65.00

REGULAR SESSION.

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Name.	Amount.
John Crowder	40.30
John William	4.50
J. N. Gere.....	100.00
J. H. Wilson.....	376.37
R. W. Cathcart.....	235.23
J. C. Anderson.....	188.19
Geo. K. Lowe.....	138.19
C. W. North.....	282.28
G. K. Keawehaku.....	159.97
G. K. Kane.....	114.19
S. Haluapo	76.12
D. Pahu	76.12
Kaumoana	76.12
Awili	65.46
Keahiloa	11.12
E. B. Friel.....	139.50
H. N. Crabbe.....	139.50
E. Hanapi	79.50
F. C. Benevedes.....	139.50
D. K. Martin.....	94.10
J. A. Lawelawe.....	104.04
S. Lehua	112.91
J. K. Paele.....	104.04
C. Hanapi	12.09
C. Turner	31.94
Kalekana	58.21
J. Koikoi	39.50
Wahea	26.00
S. Wallace	87.00
J. Cullen	25.25
N. Kaluamahu	60.00
M. O. Kaleiopuu.....	101.25
N. Mahuka	136.50
Ulii	1.50
Dan Hoaeae	1.50
D. K. Kaapu.....	122.64
Sam K. Paulo.....	132.00
Joe Bright	42.35
Pakoma	48.75
Sam Sanana	38.25
Keahinui	42.00
Wahineokai	63.00
Nahau	43.50
John William	40.50
James Anton	54.75
John Watson	28.50

Name.	Amount.
Kahino	54.35
R. Kumanu	40.85
Asam Ani	42.00
Wm. Ani	43.10
Silvester Scott	44.25
Kiko Kealo	34.85
Abraham Opunui	45.00
Richard Kupa	42.00
George Moa	36.00
Enoka	21.00
John McCabe	6.75
David Kamanu	26.25
Toma Watson	32.60
M. Lopes, Jr.	66.00
Haleakala	21.00
Tom Forrest	75.00
John Crowder	46.50
Joe Adams	28.50
Akiu	18.00
David Kane	4.50
Joe Ahuna	15.35
Poomakai	18.35
Kaululu	19.10
Kakahiwa	30.35
Kahula	6.35
Ben Bright	7.85
Henry Ulii	6.00
Nauna	6.00
Kane	6.00
Kaimana	10.50
Eddy Swift	3.00
John Stone	120.00
Kimonele	120.00
Ed. Spillner	101.50
Wm. Kaka	87.50
L. J. Nohoa Hipa	87.50
A. Pimento	96.00
P. Kawaha	96.00
P. Kawaha . . . . .	.87
Abr. Hua	80.50
H. Pahau	73.50
Wm. Huihui	82.25
Pieper	90.12
G. Anderson	85.75
Joe Ale	78.75
B. Campbell	78.75

Name.	Amount.
S. Zablan	71.75
Chas. Brede	57.75
N. Jackson	78.75
Peter Davis	3.50
Lilinoe	22.75
Halemano	12.25
Lili	82.25
A. R. Fitzsimmons.....	1.75
K. Pepee	58.63
Wm. Bell	2.63
S. Keawe	3.50
D. Laelae	42.00
Moku	4.38
Haale . . . . .	.87
H. Kaai	31.50
D. K. Keanu.....	29.75
David Adams	21.00
Geo. Kawai	19.25
Loka Lima	3.50
F. Souza	10.50
Kamaka	1.75
Iui Kealoha	1.75
Kaumiumi	7.00
Maalea	5.25
Kauanoa	8.75
Alabima	1.75
Ione Paulo	1.75
Antone Riney	1.75
Kahilihiwa	4.37
Kaanaana	1.75
Kahauku	7.00
Sam Leleo	5.25
Sol. Punahou	3.50
Poni	1.75
Henry Kailimai	140.32
A. R. Fitzsimmons.....	102.90
J. Kaanaana	7.50
Kahunanui	7.50
Luhe	7.50
B. Kahaunaale	7.50
T. Mahoahoa	27.00
K. Hina	22.50
S. Kahikina	7.50
G. McGowan	6.00
K. Kaiama	6.00
H. Kipi	7.50

Name.	Amount.
W. Piimoku	7.50
Napahuelua	9.00
Haupu	4.50
J. Higgins	7.50
Kaihe	7.50
J. Kini	16.50
G. Keola, Sr.....	7.50
H. Kaolelopono	7.50
M. Fernandez	7.50
L. Poai	7.50
T. Kealoha	7.50
J. Kaulana	7.50
M. Johnson	3.75
K. Kupihe	8.75
W. Maka	8.75
G. Laweoki	8.75
A. P. Johnson.....	8.75
L. Kaiwa	8.75
J. Nu	8.75
Kiha	8.75
S. Keoloewa	8.75
S. Kinipoki	8.75
Jos. Kelii	8.75
D. Kaauwai	8.75
H. H. Plemer.....	141.54
Mokuola	75.48
H. Harrison	28.75
Thos. Clarke	77.73
D. K. Kauwalu.....	3.75
J. K. Malaihi.....	.88
Kauli .....	.75
James Manoanoa	229.56
S. K. Naholowaa.....	135.00
S. H. Kauhane.....	105.00
K. Kapule	75.27
G. P. Nawahine.....	75.27
R. Kekuewa	75.27
A. Kaulia	75.27
Manuel Olsen	217.41
Grand Total	\$34,251.74

Third. Amend Section 2 to read as follows:

"Section 2. When any warrant referred to in Section 1 hereof is presented to the Treasurer of the City and County of Honolulu, he shall pay the same out of any moneys in the

Treasury and write or stamp on the face thereof the word 'Paid', the date of payment, and sign his name thereto."

GEO. H. FAIRCHILD,
Chairman Committee on Ways and Means.

W. J. COELHO,
E. W. QUINN,
H. T. MOORE,
JOHN T. BROWN.

Senator Fairchild moved that the Report of the Committee be adopted. Seconded by Senator Chillingworth and carried.

At 11:40 o'clock, upon motion of Senator Harvey, seconded by Senator Quinn, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTY-EIGHTH DAY.

Monday, March 22nd, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the Chaplain, the Roll was called showing Senator Chillingworth absent.

The Journal of the Twenty-seventh Day was read and, upon motion of Senator Quinn, seconded by Senator Harvey, approved as read.

A Communication (No. 116) from the House of Representatives, transmitting House Bill No. 35, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 35,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 35 entitled "An Act to Amend Section 1 of Act 98, Session Laws of 1907, 'To Designate the Pay of Laborers engaged in Constructing or Repairing Roads, Bridges or Streets, Water Works or other Works for the Territory of Hawaii'."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 117) from the House of Representatives, returning Senate Bill No. 71, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 71, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 118) from the House of Representatives, informing the Senate of its adopting the Report of the Special Joint Conference Committee on House Bill No. 20, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on House Bill No. 20 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 119) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Concurrent Resolution No. 5, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Concurrent Resolution No. 5.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 120) from the House of Representatives, informing the Senate of the adoption of the Report of the Special Joint Conference Committee on House Bill No. 18, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on House Bill No. 18 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 41) from (Miss) C. Libbie McAbec, asking for an appropriation for the Industrial Home, was read by the Clerk as follows:

To the Honorable President of the Senate,
Speaker of the House, and the
Members of the Legislature of Hawaii.

Gentlemen:—We, the Matron, and the Officers in charge of the Industrial Home for unfortunate women and homeless children, do most respectfully petition your honorable body to give a favorable decision in the case of the subsidy of \$6,000.00 for maintenance for this home.

Our charges would be public charges for whom there is no provision made by city, county nor Territory.

We get nothing from the Associated Charities' Fund, and yet all of these use us, bringing to us their orphaned or homeless children of all nationalities.

This home was not opened for an orphanage, but has been made a children's home by the calls that have been made upon it in that capacity.

Is it not right that an institution that is the servant of the public should be paid out of the public funds? We are not a school, we are not a church, we are simply a home for the friendless.

Much valuable time and energy, which might be put to better use, must be spent in financing the Home.

We think our petition is not unreasonable and we pray you, as you love your little ones, give us a favorable decision.

Very respectfully,

(MISS) C. LIBBIE McABEE.

The Communication was ordered referred to the Committee on Ways and Means.

A Communication (No. 42) from Carlota A. Moyer, Gen. Sec. Young Women's Christian Association, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

To the Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any Bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

CARLOTA A. MOYER,
Gen. Sec. Young Women's Christian Ass'n.

The Communication was ordered referred to the Committee on Education.

A Communication (No. 43) from Mrs. Margaret Cowes, president Ladies Auxiliary, Ancient Order Hibernians, protesting against the lowering of the compulsory age of school children and the lowering of the teachers' salaries, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

MRS. MARGARET COWES,
President, Ladies' Auxiliary, A. O. H.

The Communication was ordered referred to the Committee on Education.

A Communication (No. 44) from Fred L. Waldron, President of the Merchants' Association of Honolulu, transmitting Report upon the National Guard of Hawaii, was read by the Clerk as follows:

MERCHANTS' ASSOCIATION OF HONOLULU,
McCANDLESS BUILDING.

Honolulu, Hawaii, March 19, 1909.

Honorable W. O. Smith,
President of the Senate,
Territory of Hawaii.

Dear Sir:—As an expression from the Merchants' Association of Honolulu upon the status of the National Guard of Hawaii, I beg to hand you herewith copy of report of Special Committee upon this subject.

The report has been unanimously endorsed by this Association and I trust will receive favorable consideration from your honorable body.

Very respectfully,

FRED L. WALDRON,
President.

(COPY)

Honolulu, January 27, 1909.

Mr. George W. Smith,
President, Merchants' Association,
Honolulu, T. H.

Sir:—Your Committee appointed to look into the matter of the proposed increase of the National Guard of Hawaii, etc., beg leave to report as follows:

1.—The National Guard of Hawaii is composed of the required staff departments, one regiment of nine infantry companies and one hospital company, and as appears by the report of the Secretary of War, is armed, uniformed and equipped as required by the United States Regulations.

2.—That in conformity with the desire of the War Department, and its regulations requiring a regiment to be composed of twelve companies, the Territorial authorities desire to increase the Guard to full regimental strength as prescribed by the regulations, together with one hospital company and one signal company, such force to receive additional training as coast artillery so that it may furnish one relief at the guns and perform all other necessary work incident to the general scheme for the defense of this Territory.

3.—That the office of Adjutant General is provided for by United States Statute as follows:

“There shall be appointed in each State, Territory and District of Columbia, an adjutant general, who shall perform such duties as may be prescribed by the laws of such State, Territory and District respectively, and make returns to the Secretary of War at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War.” * * *

4.—That in the last two years \$23,000.00 of United States funds have been disbursed through the Adjutant General's office, more than \$18,000.00 of which has been paid to residents of this Territory, and that approximately \$5,500.00 will be expended in February, 1909, for an encampment at Moanalua.

5.—That at the present time the departmental work of the National Guard is carried on in the Adjutant General's office without compensation, requiring between five and six hours daily during the entire year, including Sundays and holidays, a great deal of the work being done at night. That such work has increased to an extent which renders it practically impossible for one person to keep abreast of it without devoting his entire

time thereto with clerical assistance, the increase for the year being over 400 per cent. in 1907 and approximately 90 per cent. in 1908.

6.—The National Guard should be placed upon a thoroughly business basis and the position of Adjutant General made a salaried position, the same remuneration being provided therefore as is provided for the heads of the other Territorial Departments. The work of the Guard in relation to the Federal Government and in relation to this Territory should not depend upon the pleasure or sense of duty of any one person in order to insure its performance as is now the case.

7.—That the Territorial troops when called into the service of the Territory for the suppression of the strike at Lahaina in 1904, received no compensation for their services, the men of such force and the officers of the Guard having paid over \$100 necessarily incident as an expense of such expedition, which sum has never been reimbursed to them. It is therefore our belief that the money thus expended should be refunded, and that all troops should be paid for riot duty or any other duty necessary in the opinion of the Governor for the preservation of order or the well being of the Territory.

9.—That the Drill Shed or armory of the National Guard at Honolulu is in a shameful condition and is not a safe place to keep property of any kind; that the roof leaks badly, and, owing to faulty construction it cannot be made tight; as stated by the United States Depot Quartermaster in 1903, "the building should be condemned and torn down, on the ground that it is unfit for any purpose but the temporary storage of articles unaffected by the weather"; that there are no toilet or any of the necessary conveniences in the drill shed or adjacent thereto which may be used by the several hundred men who report for duty three or four times a week.

10.—That a new armory should be erected wherein could be properly safeguarded all military property, and which would provide all necessary facilities for the mental, moral and physical upbuilding of the members of the Guard, and where such attractions could be provided as would be an inducement to young men to enlist, thereby insuring the best personnel obtainable.

11.—As a matter of revenue which may partially meet the additional expense incident to an increase of the Guard, we believe that a tax of not less than one dollar per annum should be paid by each owner or possessor of fire arms within the Territory.

Therefore, in consideration of the foregoing, your committee recommends that legislation be passed carrying necessary appropriations for the following purposes:

1.—To increase the National Guard of Hawaii to one regiment of infantry with one hospital company and one signal company.

2.—To place the departmental work of the Guard upon a business basis paying the same remuneration therefor as to the heads of other departments.

3.—To pay Territorial troops when called upon for riot duty or any other duty necessary in the opinion of the Governor for the preservation of order or well being of the Territory.

4.—For the erection of a new armory.

5.—To provide for a tax upon fire arms.

Respectfully,

(Signed)

T. J. KING,
R. J. BUCHLEY,
EMIL A. BERNDT,
Committee.

The Communication was ordered referred to the Committee on Military and Public Expenditures.

A Communication (No. 45) from Dr. Schurmann, relating to the passage of the Medical Bill now before the Senate, was read by the Clerk as follows:

DR. F. SCHURMANN,

Osteopathic Physician and Oculist,

224 Emma Square, Honolulu, T. H.,

March 21, 1909.

The Honorable Speaker and Members of the Senate.

Gentlemen:—In considering the "Medicine Bill", introduced by Senator Coelho I most respectfully beg you to look into some points, which my letter will bring before you.

1.—The passing of the "Medical Bill" would clothe the medical doctors with a legalized monopoly, against members of all drugless schools of healing.

2.—It would impose upon citizens the necessity of employing men and methods, which may be distasteful to them, or, go without medical aid altogether.

3.—It would make criminals of honest men and women, who practice drugless methods.

4.—Drugless healers (mental or mechanical) cannot do harm to any one, as they do not employ poisonous drugs or injurious methods.

5.—Osteopaths, Masseurs and Lomi-lomi practitioners use methods which are not only exceedingly laborious but which take up considerable time. For both reasons they would never be employed by our medical confreres, who, earn their fees so much easier and quicker.

6.—Osteopaths use mechanical means to make the human machine run smoothly and perfectly, thus normalizing the chemical producing organs and they do more than this, they teach their patients how to keep well.

7. We teach them, that the human body is a machine constantly in motion, that its cells are continually used up and that they continually need renewing. We teach them that the renewal is supplied by the food we eat. We teach them how the different parts of the body are composed of quite different tissues and therefore require food of a mixed character. We show them how the different articles of food should be combined in such a way as to secure proper variety. This is the science of "Dietetics" so much neglected by the medical doctor.

Now, I ask you gentlemen is all this against the "Good of the People" or is it otherwise? Do we misrepresent ourselves, do we use medicines and finally, have we been without success?

At the right time drugless healers of the Hawaiian Territory will present their own bill, as it was done in California and practically all other States. They will then gladly accept an unbiased board of examiners chosen from among the most able of them.

We do not desire to oppose the Medical Physicians in any way and would only be too happy to co-operate with them in their efforts to relieve suffering mankind.

Why then concur on a bill which would render Christ and the Apostles (should they be on earth or rather in Honolulu) amenable to the criminal laws of our country.

Yours most respectfully,

DR. SCHURMANN,
Osteopath.

The Communication was ordered referred to the Committee on Public Health.

Senator Coelho offered the following Joint Resolution (No 2) relating to Unawarded and Unpatented Lands:

JOINT RESOLUTION.

WHEREAS, prior to, and at the time of, the Grand Mahele of Lands in the Kingdom of Hawaii, and thereafter during the labors of the Commissioners to Quiet Land Titles appointed in pursuance of the Act to Organize the Executive Departments of the Hawaiian Islands, approved April 27, 1846, certain of the lands of the Hawaiian Kingdom, which were intended to have been Awarded to private claimants under said Act, but which were not specifically so awarded, were used and occupied and have ever since continued to be used and occupied as private holdings under claims of ownership therein by private parties; and,

WHEREAS, the parties then respectively so using, occupying and claiming the same, and their successors in claim and estate have, in many instances, continued, thence to the present time, to exercise all the functions of private ownership therein, and to pay taxes thereon to the Government, as assessed from year to year during many years last past; and

WHEREAS, such said claimants respectively have in good faith held, and paid taxes upon, such lands in the belief that they were legally entitled to claim and hold the same; and

WHEREAS, it would be inequitable to now disturb them in their possession thereof and claims therein, and it is desirable that their rights therein should be recognized by law:

NOW THEREFORE BE IT RESOLVED by the Legislature of the Territory of Hawaii, that as soon as may be after the approval of this Resolution, the Governor appoint a Commission of three members, who shall be competent persons and disinterested, which Commission shall thoroughly investigate and examine into the matters and things hereinbefore referred to, and shall consider ways and means for the relief of all those holding and possessing such Lands as hereinbefore mentioned. The conclusions reached by such Commission shall be embodied in a Report to be made by them to the Governor not later than July 1, 1910, together with their recommendations as to legislation if such is needed.

W. J. COELHO,
Senator, 2nd District.

Senate Chamber, March 22nd, 1909.

The Joint Resolution was read and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 140 entitled "An Act Authorizing the Payment of Certain Persons for Services actually rendered under Employment by the Board of Supervisors of the City and County of Honolulu and by any Committee and Agent of said Board."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Robinson—1.

The Senate proceeded with the consideration of House Bill No. 5 on the Veto of the Governor.

The Bill failed to pass on the Veto of the Governor on the following showing of Ayes and Noes:

Ayes: 0.

Noes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Woods and Mr. President—14.

Not Present: Senator Robinson—1.

The Senate proceeded with the consideration of House Bill No. 37 on the Veto of the Governor.

The Bill failed to pass on the following showing of Ayes and Noes:

Ayes: Senators Makekau and Woods—2.

Noes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn and Mr. President—12.

Not Present: Senator Robinson—1.

Third Reading of Senate Bill No. 28 entitled "An Act to Amend Section 1648 of the Revised Laws of Hawaii, Relating to Circuit Judges at Chambers, by Adding thereto a New Paragraph to be known as Paragraph Twelve."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Robinson—1.

Third Reading of Senate Bill No. 67 entitled "An Act to Amend Chapter 37 of the Revised Laws of Hawaii, Relating to Game, by Adding thereto a New Section to be known as Section 459A."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn and Woods—13.

Noes: Mr. President.

Not Present: Senator Robinson—1.

Third Reading of Senate Bill No. 80 entitled "An Act to Regulate the Expenditure of Public Money."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Robinson—1.

Third Reading of Senate Bill No. 94 entitled "An Act to Amend Section 1069 of the Revised Laws of Hawaii, Relating to the Practice of Medicine."

The Bill was ordered recommitted to the Committee on Public Health.

Second Reading of House Bill No. 122 entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 144 entitled "An Act to Provide for the Acquisition of Land and Other Property for Public Purposes."

Referred to the Committee on Judiciary.

Third Reading of Senate Joint Resolution No. 1.

Upon motion of Senator Makekau, seconded by Senator Chillingworth, further action on the Resolution was deferred until Tuesday, March 23, 1909.

A Communication (No. 121) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 87, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 22, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the

House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 87.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 26) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 31, 32, 33 and 34 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., March 22, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to inform your Honorable Body that the Governor this day, March 22, 1909, signed the following Bills:

House Bill No. 119, Act 31, An Act To Define The Meaning of the Word "Garage" as Used in Section 1 of Act 96 of the Session Laws of 1907 Amending Chapter 102 of the Revised Laws of Hawaii;

Senate Bill No. 17, Act 22, An Act Relating to Persons Employed in the Service of the Government of the Territory of Hawaii or Any County or Municipal Subdivision Thereof;

House Bill No. 108, Act 33, An Act to Promote the Conservation and Development of the Natural Resources of the Territory Through Immigration and Other Means by Imposing a Tax on Incomes and Appropriating the Proceeds For Such Purposes;

House Bill No. 102, Act 34, An Act to Amend Section 1723 of the Revised Laws of Hawaii.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 27) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 30 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., March 22, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to inform your Honorable Body that the Governor on March 20, 1909, signed the following Bill:

House Bill No. 126, Act 30, An Act to Amend Section 2552 of the Revised Laws of Hawaii, Relating to the Issuance of Preferred Stock by Corporations.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. Senator Fairchild gave notice of intention to introduce the following Bills:

"An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, Being Supplementary to Act 33 of the Laws of 1909."

"An Act to Amend Section 1 of Act 33 of the Session Laws of 1909, entitled 'An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by imposing a Tax on Incomes and Appropriating the Proceeds for such Purpose'."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 115) entitled "An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, Being Supplementary to Act 33 of the Laws of 1909."

The Bill was read by title and, upon motion of Senator Fairchild, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Fairchild introduced a Bill (S. B. No. 116) entitled "An Act to Amend Section 1 of Act 33 of the Session Laws of 1909, entitled 'An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by imposing a Tax on Incomes and Appropriating the proceeds for such Purpose'."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 11:37 o'clock Senator Harvey moved to take a recess until 2 o'clock. Seconded by Senator Fairchild and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Senator McCarthy moved that further action on Senate Bill No. 51 be deferred until Tuesday, March 23, 1909, and that the Clerk be directed to furnish the Members with typewritten copies of the amendments made by the House of Representatives. Seconded by Senator Fairchild and carried.

Under suspension of the Rules, Senator Brown presented the Report (No. 139) of the Committee on Enrollment, Revision and Printing, on Senate Bills Nos. 111 and 112, as follows:

Honolulu, T. H., March 22, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 111 and 112 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
(Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Robinson gave notice of intention to introduce a Bill entitled "An Act to Provide for the Payment of and Fix-

ing the Rate of Interest upon all Amounts Due and Payable to the Territory of Hawaii and the Several Counties thereof and Declared Delinquent as Taxes, Rates and Assessments upon Persons, Property and Income and Abolishing all Penalties for non-payment thereof."

Under suspension of the Rules, Senator Robinson introduced a Bill (S. B. No. 117) entitled "An Act to Provide for the Payment of and Fixing the Rate of Interest upon all Amounts Due and Payable to the Territory of Hawaii and the Several Counties thereof and Declared Delinquent as Taxes, Rates and Assessments upon Persons, Property and Income and Abolishing all Penalties for non-payment thereof."

The Bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Second Reading of Senate Bill No. 111 entitled "An Act to Provide for the Payment of Commutation Due the Territory." Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 112 entitled "An Act to Amend Section 1203 of the Revised Laws of Hawaii."

Referred to the Committee on Ways and Means.

A Communication (No. 122) from the House of Representatives, returning Senate Bill No. 45, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 22, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 45, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Moore gave notice of intention to introduce a Bill

entitled "An Act to Amend Section 3032 of the Revised Laws of Hawaii."

Under suspension of the Rules, Senator Moore introduced a Bill (S. B. No. 118) entitled "An Act to Amend Section 3032 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 2:06 o'clock, upon motion of Senator Robinson, seconded by Senator Coelho, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

TWENTY-NINTH DAY.

Tuesday, March 23rd, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Twenty-eighth Day was read and, upon motion of Senator Harvey, seconded by Senator Coelho, approved as read.

A Communication (No. 28) from J. W. Jones, Adjutant General, inviting the members of the Senate to inspect the National Guard Shooting Gallery, was read by the Clerk as follows:

NATIONAL GUARD OF HAWAII,

THE ADJUTANT GENERAL'S OFFICE,

Honolulu, T. H., March 22, 1909.

The President and
Members of the Senate,
Territory of Hawaii.

Gentlemen:—I have the honor to invite you to inspect the National Guard shooting gallery and its method of operation on Saturday, March 27, 1909, at 2 p. m., or such other time as may suit your convenience. This building was erected and equipped, with money furnished by the United States Government for the purpose of encouraging and promoting rifle practice in this Territory.

Very respectfully,

J. W. JONES,
Adjutant General.

Upon motion of Senator Fairchild, seconded by Senator Chillingworth, the invitation was accepted.

A Communication (No. 123) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 140 and of the appointment of a Conference Committee for the further consideration of said Bill, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 140, and that the Speaker has appointed the following Conferees from the House:

Honorables Kaleiopu, Douthitt and Cohen.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee for the further consideration of House Bill No. 140:

Senators Fairchild, Moore and Quinn.

A Communication (No. 46) from the President and Secretary of the Y. P. S. C. E. of Central Union Church, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show;

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

Y. P. S. C. E. of Central Union Church,

ALBERT PARSONS,

President;

FREDERIC B. WITHINGTON,

Secretary.

The Communication was ordered referred to the Committee on Education.

Senator Brown presented the Report (No. 140) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 113 and 114, as follows:

Honolulu, T. H., March 23, 1909.

Honorable W. O. Smith,
President of the Senate.

Dear Sir:—Your Committee on Enrollment, Revision and Print-

ing begs leave to report Senate Bills Nos. 113 and 114 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen presented the Report (No. 141) of the Committee on Judiciary on House Bill No. 134, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 23, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 134, entitled "An Act to Amend Chapter 217 of the Revised Laws of Hawaii, Relating to Gambling, by Adding thereto Two New Sections to be known as Section 3175A and Section 3175B," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of the Bill is to make it a misdemeanor to put up barricades in houses used as Gambling Dens.

The object of such a Bill would be to diminish Gambling, and your Committee recommends its passage.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Chillingworth moved to adopt the report of the Committee on the Bill. Seconded by Senator McCarthy.

Senator Makekau moved that the Senate proceed with the

consideration of House Bill No. 134. Seconded by Senator Kalama and carried.

Second Reading of House Bill No. 134 entitled "An Act to Amend Chapter 217 of the Revised Laws of Hawaii, Relating to Gambling, by Adding thereto Two New Sections to be known as Section 3175A and Section 3175B."

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Bill passed Second Reading.

Senator Knudsen presented the Report (No. 142) of the Committee on Judiciary on House Concurrent Resolution No. 17, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 23, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Concurrent Resolution No. 17, begs leave to report that it has had the same under consideration, and would report as follows:

The object of the Resolution is to memorialize the Congress of the United States expressing the desire of the Legislature of this Territory that proper amendments be made to the Organic Act so as to allow the Legislature to hold annual sessions of thirty days duration.

Your Committee believes the object of the Resolution a good one, and recommends its adoption.

Respectfully submitted,

ERIK A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was laid on the table to be considered with the Resolution.

Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Amend Sub-Division 3 of Section 125 of Chapter 14 of the Revised Laws of Hawaii."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 119) entitled "An Act to Amend Sub-

Division 3 of Section 125 of Chapter 14 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Senator Knudsen moved to adopt the Report of the Special Joint Conference Committee on House Bill No. 20. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—13.

Noes: Mr. President—1.

Not Present: Senator Chillingworth—1.

Senator Knudsen moved to adopt the Report of the Special Joint Conference Committee on House Bill No. 18. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Fairchild, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—10.

Noes: Senators Baker, Coelho, Harvey, Kalama and Mr. President—5.

The Senate proceeded with the consideration of Senate Bill No. 51 as amended by the House of Representatives.

Senator McCarthy moved that the Senate do not concur in the amendments made by the House of Representatives. Seconded by Senator Chillingworth.

Senator Woods moved that the Senate concur in the amendments made by the House of Representatives. Seconded by Senator Fairchild.

The President here called the Vice-President to the Chair.

Senator Chillingworth moved that further action on the Bill be deferred until Thursday, March 25th, 1909. Seconded by Senator Smith.

Motion to defer action on the Bill was then put and lost.

The motion to concur in the amendments made by the House of Representatives was then put and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, Quinn, Robinson and Woods—11.

Noes: Senators Chillingworth, McCarthy, Moore and Mr. President—4.

Third Reading of Senate Bill No. 86 entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

Upon motion of Senator Coelho, seconded by Senator Knudsen, the Bill was recommitted to the Committee on Public Health.

Third Reading of Senate Joint Resolution No. 1.

The Joint Resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—11.

Noes: Senators Chillingworth, Harvey, Kalama and Maekau—4.

Second Reading of House Bill No. 35 entitled "An Act to Amend Section 1 of Act 98, Session Laws of 1907, 'To Designate the Pay of Laborers engaged in constructing or repairing Roads, Bridges or Streets, Water Works or other Works for the Territory of Hawaii'."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 113 entitled "An Act Amending Paragraph 3 of Section 3069 of the Revised Laws, Relating to Contempt."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 114 entitled "An Act to Amend Chapter 94 of the Revised Laws of Hawaii, as Amended by Act 112 of the Laws of 1907, Relating to the Leper Settlement and Hospitals, by Adding a New Section thereto, to be known as Section 1122B."

Referred to the Committee on Public Health.

Under suspension of the Rules, Senator Brown presented the Report (No. 143) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 115 and 116, as follows:

Honolulu, T. H., March 23, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 115 and 116 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Second Reading of Senate Bill No. 115 entitled "An Act to provide for the Conservation and Development of the Natural Resources of the Territory, being Supplementary to Act 33 of the Laws of 1909."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 116 entitled "An Act to Amend Section 1 of Act 33 of the Session Laws of 1909, entitled 'An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by Imposing a Tax on Incomes and Appropriating the Proceeds for such Purpose'."

Referred to the Committee on Ways and Means.

The Senate proceeded with the consideration of House Concurrent Resolution No. 17.

Senator Coelho moved to adopt the Report of the Committee on the Resolution. Seconded by Senator Harvey.

Senator Moore moved that action on the Resolution be deferred until Wednesday, March 31, 1909. Seconded by Senator Quinn.

The motion to defer action on the Resolution was then put and carried.

At 11:05 o'clock the Senate took a recess until 2 o'clock.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 124) from the House of Representatives, returning Senate Bill No. 61, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 61, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 47) signed by 37 teachers, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

(37 Signatures.)

The Communication was ordered referred to the Committee on Education.

Under suspension of the Rules, Senator Baker gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1 of Act 31, Session Laws of 1905, Relating to the Procuring of Licenses by Second-hand Dealers."

Senator Baker introduced a Bill (S. B. No. 120) entitled "An Act to Amend Section 1 of Act 31, Session Laws of 1905, Relating to the Procuring of Licenses by Second-hand Dealers."

The Bill was read by title and, upon motion of Senator Baker, seconded by Senator Woods, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator McCarthy presented the Report (No. 5) of the Select Committee on Election Laws on Senate Bills Nos. 5, 43 and 73, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 23, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee on Election Laws, to whom was referred Senate Bills Nos. 5, 43 and 73, begs leave to report that it has had the same under careful consideration and has embodied the ideas contained in the three bills in a substitute Bill, which it will introduce.

Your Committee therefore recommends that the Substitute Bill be passed and that Senate Bills Nos. 5, 43 and 73 be laid on the table.

Your Committee wishes to acknowledge the services rendered them by Hon. E. A. Mott-Smith, Secretary of Hawaii, who has given the Election Law deep study, and many of his ideas are incorporated in the Substitute Bill.

Respectfully submitted,

C. J. McCARTHY,

Chairman;

S. E. KALAMA,

ERIC A. KNUDSEN,

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Substitute Bill to be introduced by the Committee.

Senator McCarthy on behalf of the Select Committee on Election Laws introduced a Bill (S. B. No. 121) entitled "An Act to Provide for Elections in the Territory of Hawaii and in the Various Sub-Divisions thereof."

The Bill was read by title and upon motion of Senator McCarthy, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 2:06 o'clock, upon motion of Senator Coelho, seconded by Senator Quinn, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTIETH DAY.

Wednesday, March 24th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Twenty-ninth Day was read and, upon motion of Senator Quinn, seconded by Senator Harvey, approved as read.

A Communication (No. 48) from E. Eveleth Winslow, Major, Corps of Engineers, U. S. A., inviting the members of the Senate to visit the fortification works at Diamond Head, was read by the Clerk as follows:

UNITED STATES ENGINEER OFFICE

McCANDLESS BUILDING.

Honolulu, T. H., March 22, 1909.

Member.

Hon. W. O. Smith,
President of the Senate,
Territory of Hawaii,
Honolulu, T. H.

Sir:—Having heard that the members of the Senate have expressed a desire to visit the fortification works at Diamond Head, I take pleasure in handing you herewith a pass for yourself and the other members of the Senate.

I shall be glad to be present when the members of your body decide to visit the battery, in order that I may personally conduct them over the works, and explain the various features to them.

Very respectfully,

E. EVELETH WINSLOW,
Major, Corps of Engineers, U. S. A.

Senator McCarthy moved that the invitation be accepted and that the Committee on Military and Public Expenditures make the necessary arrangements as to the details of the visit. Seconded by Senator Woods and carried.

Senator Brown presented the Report (No. 144) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 117 and 118 and Senate Joint Resolution No. 2, as follows:

Honolulu, T. H., March 24, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 117 and 118 and Senate Joint Resolution No. 2 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Coelho presented the Report (No. 145) of the Committee on Public Health on Senate Bill No. 99, as follows:

SENATE CHAMBER,

March 24, 1909.

Hon. Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Health to whom was referred

Senate Bill No. 99 "An Act to Provide for the Sanitary Regulation of Dairies, of the Production, Storing, Handling of Milk and Cream for Sale" begs leave to report as follows:

The Committee has carefully considered the Bill and believes the provisions therein contained should be enforced for the purpose of protecting the public.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

W. J. COELHO,

Chairman.

F. R. HARVEY,

GEO. H. FAIRCHILD.

Upon motion of Senator Coelho, seconded by Senator Knudsen, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 146) of the Committee on Judiciary on Senate Bill No. 101, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 23rd, 1909.

Hon. Wm. O. Smith,

President of the Senate,

Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 101, entitled "An Act to Prohibit the Sale and Use of Opium or Preparation thereof," begs leave to report that it has had the same under careful consideration, and would report as follows:

Section 1399 of the Revised Laws regulates the Law regarding Opium, and Section 1400 provides penalties for the violation of the Law. This Bill only provides penalties.

Your Committee is of the opinion that there is sufficient law on the subject at the present time. If the police authorities do not enforce the law as it stands, further legislation on the subject would do no good.

Your Committee therefore recommends that the Bill be laid on the table.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 147) of the Committee on Judiciary on House Bill No. 114, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 24th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 114, entitled "An Act Making it a Misdemeanor to Deposit or Cause to be Deposited in any Highway in the Territory of Hawaii any Substance dangerous to Traffic, and Providing a Penalty therefor," begs leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 148) of the Committee on Ways and Means on Senate Bill No. 116, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 24th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 116, entitled "An Act to Amend Section 1 of Act 33 of the Session Laws of 1909, entitled 'An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by Imposing a Tax on Incomes and Appropriating the Proceeds thereof for such Purpose,' " begs leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

H. T. MOORE,
JOHN T. BROWN,
W. J. COELHO,
E. W. QUINN.

Upon motion of Senator Fairchild, seconded by Senator Brown, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 149) of the Committee on Ways and Means on Senate Bill No. 115. as follows:

SENATE CHAMBER,

Honolulu, T. H., March 24th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 115 entitled "An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, Being Supplementary to Act 33 of the Laws of 1909,"

begs leave to report that it has had the same under careful consideration and would recommend its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

H. T. MOORE,
JOHN T. BROWN,
W. J. COELHO,
E. W. QUINN.

Upon motion of Senator Fairchild, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 6) of the Select Committee on Taxation on House Bill No. 117, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 24th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee on Taxation, to whom was referred House Bill No. 117 entitled "An Act to Amend Sections 1299 and 1306 of the Revised Laws, Relating to Stamp Duties," begs leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

F. R. HARVEY,
PALMER P. WOODS,
W. T. ROBINSON,
E. W. QUINN.

Upon motion of Senator Fairchild, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 7) of the Select Committee on Taxation on House Bill No. 136 and Senate Bill No. 6, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 24th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu, Oahu.

Sir:—Your Select Committee on Taxation, to whom was referred House Bill No. 136, entitled "An Act to Amend Section 1278 of the Revised Laws, as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax," and Senate Bill No. 6 entitled "An Act to Amend and Re-enact Section 1278 of the Revised Laws of Hawaii, and to Repeal Section One (1) of Act 87 of the Session Laws of 1905," begs leave to report that it has had the same under careful consideration, and would recommend that Senate Bill No. 6 be laid on the table and that House Bill No. 136 be passed.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

F. R. HARVEY,
PALMER P. WOODS,
W. T. ROBINSON,
E. W. QUINN.

Upon motion of Senator Fairchild, seconded by Senator McCarthy, the Report of the Committee was laid on the table to be considered with the Bills.

Senator Chillingworth offered the following Resolution (No. 44) relating to the appointment of a Second Judge of the Federal District Court and United States Attorney by the President:

BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF HAWAII:

THAT WHEREAS there is current a newspaper report to the effect that the President of the United States is being importuned to appoint some one other than a resident and citizen of

the Territory of Hawaii to the office of Second Judge of the United States District Court for the Territory of Hawaii and also to the office of United States District Attorney for the District and Territory of Hawaii; and

WHEREAS, while such manner of appointment may, though it is by no means conceded, have been expedient and justified by conditions existing at the time of the organization of this Territory, such manner of appointment is no longer justified, and there are available among the members of the Bar of the Hawaiian Islands men competent to perform the duties of such offices ably and honorably; and

WHEREAS, the Federal Government has heretofore since the organization of the Territory of Hawaii treated and dealt with this Territory more and more on the basis of a State of the Union, appointing to office therein citizens of the Territory and giving the Territory rights similar to those enjoyed by the States as to appeal and writ of error to the appellate courts of the United States; and

WHEREAS, such distinction in favor of the Territory of Hawaii has been and is still justified by the fact that at the time of its annexation to the United States the Hawaiian Islands had for about a half century had a judicial system organized on lines laid down by the best practice obtaining in those of the United States following the common-law system and had its own judicial reports published in 1859 of decisions rendered as early as 1847 and at all times the Hawaiian judiciary and the legal branch of the Hawaiian executive department have been administered by trained men of ability and integrity, supported by a Bar of equal ability and integrity; and

WHEREAS, for over half a century the spirit of American liberty and the principles of American institutions and constitutional government have steadily grown in the Hawaiian Islands and predominated even during the Hawaiian Monarchy, and for six years previous to annexation the Hawaiian Republic had a full-fledged government on American lines; and

WHEREAS, the reasons above suggested clearly distinguish the Hawaiian Territory from other Territories of the United States which either have enjoyed no such judicial and governmental system or have had it only for a brief time or have had a system distinctly different from the American system; and

WHEREAS, the spirit of American government and institutions favors giving to the people as far as possible direct control of their own local affairs and is opposed to the appointment to local office of men, however able, who are not resident there;

NOW, THEREFORE, THE SENATE OF THE TERRITORY OF HAWAII does hereby declare its unqualified opposition to the appointment of other than citizens of the Territory to judicial, executive, or other office within its borders;

AND, BE IT RESOLVED FURTHER, that a copy of this Resolution be sent forthwith to the President of the United States, the Attorney General of the United States and to the Presiding Officers of both branches of the American Congress.

CHAS. F. CHILLINGWORTH,

Senator, 3rd District.

March 24, 1909.

Senator Knudsen moved that the Resolution be referred to the Committee on Judiciary. Seconded by Senator Fairchild and carried.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 134 entitled "An Act to Amend Chapter 217 of the Revised Laws of Hawaii, Relating to Gambling, by Adding thereto two New Sections to be known as Section 3175A and Section 3175B."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of Senate Bill No. 117 entitled "An Act to Provide for the Payment of and Fixing the Rate of Interest upon all amounts due and payable to the Territory of Hawaii and the Several Counties thereof and Declared Delinquent as Taxes, Rates and Assessments upon Persons, Property and Income, and Abolishing all Penalties for non-payment thereof."

Referred to the Select Committee on Taxation.

Second Reading of Senate Bill No. 118 entitled "An Act to Amend Section 3032 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of Senate Joint Resolution No. 2.

Senator Coelho moved that the Joint Resolution pass Second Reading. Seconded by Senator Harvey and carried.

Second Reading of Senate Bill No. 99 entitled "An Act to Provide for the Sanitary Regulation of Dairies, of the Production, Storing, Handling of Milk and Cream for Sale."

Upon motion of Senator Coelho, seconded by Senator Brown, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 101 entitled "An Act to Prohibit the Sale and Use of Opium or Preparation thereof."

Upon motion of Senator Chillingworth, seconded by Senator Knudsen, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 114 entitled "An Act Making it a Misdemeanor to Deposit or cause to be Deposited in any Highway in the Territory of Hawaii any Substance dangerous to Traffic, and Providing a Penalty therefor."

Upon motion of Senator Kalama, seconded by Senator Quinn, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 116 entitled "An Act to Amend Section 1 of Act 33 of the Session Laws of 1909, entitled 'An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by Imposing a Tax on Incomes and Appropriating the Proceeds for such Purpose'."

Upon motion of Senator Fairchild, seconded by Senator Quinn, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 115 entitled "An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, Being Supplementary to Act 33 of the Laws of 1909."

Senator Fairchild moved to adopt the Report of the Committee on the Bill. Seconded by Senator Quinn.

Senator Makekau moved to defer action on the Bill until Thursday, March 25th, 1909. Seconded by Senator Woods and carried.

Under suspension of the Rules, Senator Brown presented the Report (No. 150) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 120, as follows:

Honolulu, T. H., March 24, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 120 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Second Reading of House Bill No. 117 entitled "An Act to Amend Sections 1299 and 1306 of the Revised Laws of Hawaii, Relating to Stamp Duties."

Upon motion of Senator Kalama, seconded by Senator McCarthy, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 136 entitled "An Act to Amend Section 1278 of the Revised Laws as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax."

Upon motion of Senator McCarthy, seconded by Senator Chillingworth, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 120 entitled "An Act to Amend Section 1 of Act 31, Session Laws of 1905, Relating to the Procuring of Licenses by Second-Hand Dealers."

Referred to the Committee on Ways and Means.

At 10:58 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Woods and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 125) from the House of Representatives, transmitting House Bill No. 127, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 127, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 127 entitled "An Act to Provide for the Disposition of Funds Received upon Sale of Certain Public Lands."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Woods, passed First Reading.

A Communication (No. 126) from the House of Representatives, transmitting House Bill No. 152, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 152, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

this Bill.

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 152 entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Coelho, passed First Reading.

A Communication (No. 127) from the House of Representatives, returning Senate Bill No. 91, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 91, which

this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 128) from the House of Representatives, returning Senate Bill No. 53, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 53, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 49) from John W. Wadman, President of the Anti-Saloon League, inviting the members of the Senate to attend the Annual Meeting of the League, was read by the Clerk as follows:

ANTI-SALOON LEAGUE OF THE HAWAIIAN ISLANDS.

Honolulu, T. H., March 24, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Dear Sir:—On behalf of the Executive Committee of the Anti-Saloon League, I have great pleasure in extending to the

Honorable Members of the Senate a cordial invitation to attend the annual meeting of the League, to be held in the Auditorium of Central Union Church, Thursday evening, March 25th, at 7:30 o'clock, at which some of the perplexing problems growing out of the Liquor Traffic will be discussed by some of our leading citizens. We shall be greatly pleased and honored in welcoming as many of the Honorable Senators as may find it convenient to attend.

With high regards, I am your obedient servant,

JOHN W. WADMAN,
President Anti-Saloon League.

The Communication was ordered received and placed on file. Under suspension of the Rules, Senator Brown presented the Report (No. 151) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 121, as follows:

Honolulu, T. H., March 24, 1909.

Honorable W. O. Smith,
President of the Senate.

Dear Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 121 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

At 2:04 o'clock, upon motion of Senator McCarthy, seconded by Senator Knudsen, the Senate resolved itself into Committee of the Whole for the consideration of Senate Bill No. 121, entitled "An Act to Provide for Elections in the Territory of Hawaii and in the Various Sub-Divisions thereof," on Second Reading, Senator Woods in the Chair.

At 4 o'clock the Senate came to order, Senator Woods for the Committee of the Whole, reporting progress and asking leave to sit again.

Upon motion of Senator Coelho, seconded by Senator Kalamā, the Report of the Committee was adopted.

At 4:01 o'clock the Senate took a recess subject to the call of the Chair.

At 4:03 o'clock the Senate reconvened, Senator Woods moving to adjourn. Seconded by Senator Coelho and carried.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-FIRST DAY.

Thursday, March 25th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Chillingworth absent.

The Journal of the Thirtieth Day was read and, upon motion of Senator Robinson, seconded by Senator Harvey, approved as read.

A Communication (No. 129) from the House of Representatives, transmitting House Bill No. 85, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 85, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 85 entitled "An Act Relating to Militia Enrollment."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading.

A Communication (No. 50) from the President of the Sodality Immaculate Conception, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

MRS. C. W. ZIEGLER,
President, Sodality Immaculate Conception.

The Communication was ordered referred to the Committee on Education.

A Communication (No. 51) from the Officers of the Catholic Ladies' Aid Society, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of the children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: The social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

MRS. A. E. MURPHY,
President;
Mrs. J. D. McVEIGH,
Vice-President;
MRS. CARL DU ROI,
Treasurer;
MARY FRANCA,
Secretary.
Catholic Ladies' Aid Society.

The Communication was ordered referred to the Committee on Education.

Senator Brown presented the Report (No. 152) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 119, as follows:

Honolulu, T. H., March 25, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 119 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 4) of the Spe-

cial Joint Conference Committee on House Bill No. 140, as follows:

Honolulu, T. H., March 25, 1909.

Honorable W. O. Smith,
President of the Senate;
Honorable H. L. Holstein,
Speaker of the House of Representatives.

Sirs:—Your Joint Conference Committee to which was referred House Bill No. 140, entitled "An Act Authorizing the Payment of certain persons for services actually rendered under employment by the Board of Supervisors of the City and County of Honolulu and by any Committee and Agent of said Board," together with the Senate proposed amendments, begs leave to report as follows:

Your Committee is of the opinion that it would entail a great deal of expense and would unnecessarily encumber the House and Senate Journals, and the laws of 1909, if the names and amounts of all persons as contained in Senate amendments were allowed to remain in the Bill, the same result can be accomplished by changing the phrase "following persons for the amounts hereafter respectively designated opposite their names" on page 3 of the Bill containing the Senate amendments, and inserting in lieu thereof the following: "the persons and for the amounts set opposite their respective names, as appear on certain lists, certified to by the Mayor and his Secretary, and the Clerk and Auditor of the City and County of Honolulu, which lists are also further identified by the members of the Conference Committee of the Senate and House of Representatives respectively of the Territory of Hawaii, and which said lists are now on file in the office of the Clerk of the City and County of Honolulu, and amounting to the sum of Thirty-four Thousand Two Hundred Fifty-one and 74-100 (\$34,251.74) Dollars;" this change would as above pointed out do away with a great amount of printing and would accomplish the desired results.

It will be observed that no material amendments have been made, that is to say that the Conference Committee appointed by the Senate agrees to eliminate all of the matter contained between page 3 of the Senate Bill, relating to the names of persons employed and the amounts coming to them, and Section 2 on the last page of the Senate Bill; and in order to make the Bill read properly as a whole, and in view of this elimination it would become necessary to make the change on page 3 of the Senate Bill as hereinabove pointed out, so that the Bill as finally agreed upon reads as follows:

AN ACT

AUTHORIZING THE PAYMENT OF CERTAIN PERSONS
FOR SERVICES ACTUALLY RENDERED TO THE CITY
AND COUNTY OF HONOLULU.

WHEREAS, the Board of Supervisors of the City and County of Honolulu, believing that under and by virtue of the powers given to said Board by the Act creating said City and County of Honolulu, said Board had the right to employ certain persons necessary to carry on the public work of said Municipality, and did, thereupon and thereafter either directly or through the Committees and agents of said Board, contract with and employ the persons necessary to perform such public work of said Municipality; and

WHEREAS, by decision and judgment of the Supreme Court of the Territory of Hawaii duly rendered and made on the 1st day of March, 1909, in the case of Territory of Hawaii Ex Relatione, Charles Coster vs. Richard H. Trent, as Treasurer of the City and County of Honolulu, it was held and determined that said Board of Supervisors of the City and County of Honolulu had no legal right or authority so to employ persons to perform the public work of said Municipality; and

WHEREAS, the said persons so employed by said Board of Supervisors and by its Committees and Agents have actually performed work and rendered services to said City and County of Honolulu in reliance upon such contract and employment; and

WHEREAS, it is just and proper that those persons who have in good faith actually performed work and rendered services for the benefit of said City and County of Honolulu should receive payment therefor: Now, therefore

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Auditor of the City and County of Honolulu is authorized and directed to issue warrants on the Treasurer of the City and County of Honolulu in favor of the persons and for the amounts set opposite their respective names, as appear on certain lists, certified to by the Mayor and his Secretary, the Clerk and Auditor of the City and County of Honolulu, which lists are also further identified by the members of the Conference Committee of the Senate and House of Representatives respectively of the Territory of Hawaii, and which said lists are now on file in the office of the Clerk of the City and County of Honolulu, and amounting to the sum of Thirty-four Thousand Two Hundred Fifty-one and 74/100 (\$34,251.74) Dollars; provided, however, that all warrants heretofore issued by said

Auditor to such persons for the respective amounts as designated in said lists or any portion thereof are hereby confirmed, validated and approved and shall have like effect as if said warrants were issued after the taking effect of this Act, and provided further that in any such case, said Auditor shall issue a warrant to any such person only for any excess of the amount authorized by this Act over the amount specified in the warrant or warrants heretofore issued to him. No warrant shall be issued until a receipt or receipts in full for the claim of the person named in the aforesaid lists in whose favor it is issued against the City and County of Honolulu up to and including February 28, 1909, is filed with said Auditor.

Section 2. When any warrant referred to in Section 1 hereof is presented to the Treasurer of the City and County of Honolulu, he shall pay the same out of any moneys in the Treasury and write or stamp on the face thereof the word "Paid", the date of payment, and sign his name thereto.

Section 3. This Act shall take effect from and after the date of its approval.

Respectfully submitted,

GEO. H. FAIRCHILD,
H. T. MOORE,
E. W. QUINN,
E. A. DOUTHITT,
J. C. COHEN,
A. S. KALEIOPU.

Senator Coelho moved that the Report of the Committee be adopted. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—1.

Senator Coelho offered the following Resolution (No. 45) relating to the heads of the various departments prohibiting employees from lobbying:

SENATE CHAMBER,

Honolulu, T. H., March 25th, 1909.

RESOLUTION.

RESOLVED, that the heads of the various departments of

the government of the Territory of Hawaii be and they are hereby directed to prohibit employees of their respective departments from lobbying under penalty of summary removal from office.

W. J. COELHO,
Senator, 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Fairchild.

Senator Makekau moved that action on the Resolution be deferred until Saturday, March 27th, 1909. Seconded by Senator Woods.

The motion to defer action on the Resolution was then put and lost on a vote of 6 to 6, the Chair voting against the motion.

The motion to adopt the Resolution being put carried.

Senator Baker gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1223 of the Revised Laws, as Amended by Act 77, Session Laws of 1907, Relating to the Exemption from Taxation of Property used in Certain Industries."

Under suspension of the Rules, Senator Baker introduced a Bill (S. B. No. 122) entitled "An Act to Amend Section 1223 of the Revised Laws, as Amended by Act 77, Session Laws of 1907, Relating to the Exemption from Taxation of Property used in Certain Industries."

The Bill was read by title and, upon motion of Senator Baker, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 60 entitled "An Act to Confirm the Titles of the Holders and Claimants of Unawarded and Unpatented Lands in Certain Cases, and to Provide for the Conveyance of any Rights of the Territory therein."

Upon motion of Senator Coelho, seconded by Senator Brown, action on the Bill was deferred until after the Third Reading of Senate Joint Resolution No. 2.

Second Reading of Senate Bill No. 115 entitled "An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, Being Supplementary to Act 33 of the Laws of 1909."

Upon motion of Senator Makekau, seconded by Senator Woods, the Bill passed Second Reading.

Third Reading of Senate Bill No. 99 entitled "An Act to Provide for the Sanitary Regulation of Dairies, of the Production, Storing, Handling of Milk and Cream for Sale."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of Senate Bill No. 116 entitled "An Act to Amend Section 1 of Act 33 of the Session Laws of 1909, entitled 'An Act to Promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other Means by Imposing a Tax on Incomes and Appropriating the Proceeds for such Purpose'."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of Senate Joint Resolution No. 2.

The Joint Resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of Senate Bill No. 60 entitled "An Act to Confirm the Titles of the Holders and Claimants of Unawarded and Unpatented Lands in Certain Cases and to Provide for the Conveyance of any Rights of the Territory therein."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Report of the Committee on the Bill was adopted.

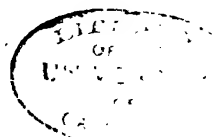
Third Reading of House Bill No. 114 entitled "An Act Making it a Misdemeanor to Deposit or Cause to be Deposited in any Highway in the Territory of Hawaii any Substance Dangerous to Traffic, and Providing a Penalty therefor."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: Senator Makekau—1.

Third Reading of House Bill No. 117 entitled "An Act to Amend Sections 1299 and 1306 of the Revised Laws of Hawaii, Relating to Stamp Duty."



Senator Fairchild moved to strike out the word "purpose" in line 15 of Section 2 and insert in lieu thereof the word "purposes." Seconded by Senator Chillingworth and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 136 entitled "An Act to Amend Section 1278 of the Revised Laws as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 127 entitled "An Act to Provide for the Disposition of Funds Received upon Sale of Certain Public Lands."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 152 entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances."

Senator Knudsen moved to strike out the words "less than one year and not" in lines 7 and 8 of Section 1. Seconded by Senator Fairchild.

Senator Makekau moved as an amendment that the Bill be referred to the Committee on Judiciary. Seconded by Senator Coelho and carried.

Second Reading of Senate Bill No. 119 entitled "An Act to Amend Sub-Division 3 of Section 125 of Chapter 14 of the Revised Laws of Hawaii."

Referred to the Committee on Judiciary.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 153) of the Committee on Judiciary on House Bill No. 53, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 25, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 53, entitled "An Act to Amend Section 2 of

Chapter 2 of the Revised Laws of Hawaii'' has had same under consideration and begs leave to report as follows:

Under the present law the Secretary is obliged to publish all the laws in Honolulu.

The object of this Bill is to strike out the word "Honolulu" so that the Secretary may have the laws published elsewhere should it appear to the advantage of the Territory to do so.

Your Committee believes the amendment a good one and recommends that the Bill do pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Chillingworth, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 154) of the Committee on Judiciary on Senate Bill No. 83, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 25th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 83, entitled "An Act to Establish a Law uniform with the Laws of Other States and Territories for the Acknowledgment and Execution of Written Instruments," begs leave to report that it has had the same under careful consideration.

The object of this Bill is to make a uniform law on the subject of Acknowledging and Executing Instruments. The present law on the subjects causes a great deal of confusion, and documents properly acknowledged in other countries have been refused the privilege of recording in this country because it failed to come up to some requirement of our old laws. No benefit can accrue by such stringent laws.

This Bill follows the law in the States of Massachusetts, Michigan, Iowa, Missouri, Montana and other States.

It recommends the passage of this Bill, amended, however, as follows:

Amend the title by adding thereto the words "and repealing Sections 2361, 2362, 2366, 2367 and 2368 of the Revised Laws, Act 70, Session Laws of 1905, and Act 60 of the Session Laws of 1907."

Section 6. Strike out all of the words at the beginning up to the words "No Acknowledgment."

Section 7. Strike out all the words before the sentence beginning "Every Officer."

Section 8. Strike out all the words beginning with "Act 70" to and including the words "Section 2361."

Section 9. Strike out all of the first 4 lines up to and including the words "Section 2366."

Amend the rest of the Section so as to read: "No certificate of acknowledgment contrary to the provisions of Sections 2363, 2364 and 2365 of the Revised Laws, except as otherwise provided by this Act, shall be valid in any Court of this Territory, nor shall be entitled to be recorded in the Office of the Registrar of Conveyances. But no certificate of acknowledgment executed before July 29th, 1872, shall, in consequence of anything in this Act or in said Sections contained, be deemed invalid.

Amend Section 10 to read as follows:

"Section 10. Section 2361, 2362, 2366, 2367 and 2368 of the Revised Laws, Act 70 of the Session Laws of 1905, and Act 60 of the Session Laws of 1907, are hereby repealed."

Your Committee herewith presents a copy of the Bill as amended.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

AN ACT

TO ESTABLISH A LAW UNIFORM WITH THE LAWS OF OTHER STATES AND TERRITORIES FOR THE ACKNOWLEDGMENT AND EXECUTION OF WRITTEN INSTRUMENTS AND REPEALING SECTIONS 2361, 2362, 2366, 2367 AND 2368 OF THE REVISED LAWS, ACT 70, SESSION LAWS OF 1905 AND ACT 60 OF THE SESSION LAWS OF 1907.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. To entitle any conveyance or other instrument to be recorded there shall be endorsed, sub-joined or attached

thereto an acknowledgment in the form now in use in this Territory, or the following:

(Begin in all cases by a caption specifying the State or Territory and the place where the acknowledgment is taken.)

1. In the case of natural persons acting in their own right:

On this day of 19..., before me personally appeared A. B. (or A. B. and C. D.), to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free act and deed.

2. In the case of natural persons acting by attorney:

On this day of 19..., before me personally appeared A. B., to me known to be the person who executed the foregoing instrument in behalf of C. D., and acknowledged that he executed the same as the free act and deed of said C. D.

3. In the case of corporations or joint-stock associations:

On this day of 19..., before me appeared A. B., to me personally known, who, being by me duly sworn (or affirmed), did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association) and that the seal affixed to said instrument is the corporate seal of said corporation (or association), and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its Board of Directors (or trustees), and said A. B. acknowledged said instrument to be the free act and deed of said corporation (or association).

(In case the corporation or association has no corporate seal, omit the words "the seal affixed to said instrument is the corporate seal of said Corporation (or association), and that" and add, at the end of the affidavit clause, the words, "and that said corporation (or association) has no corporate seal.")

(In all cases add signature and title of the officer taking the acknowledgment.)

Section 2. The acknowledgment of a married woman when required by law may be taken in the same form as if she were sole and without any examination separate and apart from her husband.

Section 3. The proof or acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to enable the same to be recorded or read in evidence, when made by any person without this Territory and within any other State, Territory or District of the United States, may be made before any officer of such State, Territory or District authorized by the laws thereof to take proof and acknowledgment of deeds and when so taken and certified as herein provided,

shall be entitled to be recorded in this Territory, and may be read in evidence in the same manner and with like effect as proofs and acknowledgments taken before any of the officers now authorized by law to take such proofs and acknowledgments, and whose authority so to do is not intended to be hereby affected.

Section 4. To entitle any conveyance or written instrument, acknowledged or proved under the preceding section, to be read in evidence or recorded in this Territory, there shall be endorsed, subjoined or attached to the certificate of proof or acknowledgment, signed by such officer, a certificate of the Secretary of State of the State or Territory in which such officer resides, under the seal of such State or Territory, or a certificate of the clerk of a court of record of such State, Territory or District in the county in which said officer resides or in which he took such proof or acknowledgment, under the seal of such court, stating that such officer was, at the time of taking such proof or acknowledgment, duly authorized to take acknowledgments and proofs of deeds of lands in said State, Territory, or District, and that said Secretary of State, or Clerk of Court, is well acquainted with the handwriting of such officer, and that he verily believes that the signature affixed to such certificate of proof or acknowledgment is genuine. Such authentication of the proof of acknowledgment of a deed or other written instrument when taken without this Territory and within any other State, Territory or District of the United States, shall be in substantially the following form:

Begin with a caption specifying the State, Territory or District, and county or place, where the authentication is made.

I,, Clerk of the in and for said County, which Court is a court of record, having a seal (or I,, the Secretary of State of such State or Territory) do hereby certify that by and before whom the foregoing acknowledgment (or proof) was taken, was at the time of taking the same, a notary public (or other officer) residing (or authorized to act) in said county, and was duly authorized by the laws of said State (Territory or District) to take and certify acknowledgments or proofs of deeds of land in said State (Territory or District), and further that I am well acquainted with the handwriting of said.....
....., and that I verily believe that the signature to said certificate of acknowledgment (or proof) is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court (or state) this day of 19....

Section 5. The proof or acknowledgment of any deed or

other instrument required to be proved or acknowledged in order to entitle the same to be recorded or read in evidence, when made by any person without the United States may be made before any officer now authorized thereto by the laws of this Territory, or before any minister, consul, vice-consul, charge d'affaires, consular or commercial agent, vice-consular or vice-commercial agent, of the United States, resident in any foreign country or port, and when certified by him under his seal of office it shall be entitled to be recorded in this Territory, and may be read in evidence in any court of this Territory, in the same manner and with like effect as if duly proved or acknowledged within this Territory.

Section 6. No acknowledgment of any conveyance or other instrument, except as provided by this act, whereby any real estate is conveyed or may be affected shall be taken, unless the person offering to make such acknowledgment shall be personally known to the officer taking the same to be the person whose name is subscribed to such conveyance or instrument as a party thereto, or shall be proved to be such by the oath or affirmation of a credible witness known to the officer.

Section 7. Every officer who shall take the acknowledgment of any instrument, shall endorse, subjoin, or attach a certificate thereof, signed by himself, on the instrument.

Every judge who shall take the proof of any instrument, shall endorse, subjoin, or attach a certificate thereof, signed by himself, on the instrument, giving the names of the witnesses examined before him, their places of residence, and the substance of the evidence by them given.

Section 8. To entitle any conveyance, or other instrument to be recorded, it shall be acknowledged by the party or parties executing the same, before the Registrar of Conveyances, or his deputy, or before a Judge of a Court of Record or a Notary Public of this Territory. But if any party to an instrument executed within this Territory shall die, or depart from the Territory without having acknowledged his deed, or shall refuse to acknowledge it, the deed may be entered as of record on proof of its execution by a subscribing witness thereto before any Judge of a Court of Record of this Territory. If all the subscribing witnesses to such conveyance or other instrument shall be dead or out of the Territory, the same may be proved before any Court of Record in this Territory by proving the handwriting of the grantor and any subscribing witness.

Section 9. No certificate of acknowledgment contrary to the provisions of this Act or of the provisions of Sections 2363, 2364 and 2365 of the Revised Laws, except as otherwise provided by this Act, shall be valid in any Court of this Territory, nor shall it be entitled to be recorded in the office of the Regis-

trar of Conveyances. But no certificate of acknowledgment executed before July 29th, 1872, shall in consequence of anything in this Act or in said sections contained be deemed invalid.

Section 10. Sections 2361, 2362, 2366, 2367 and 2368 of the Revised Laws, Act 70 of the Session Laws of 1905 and Act 60 of the Session Laws of 1907, are hereby repealed.

Section 11. This Act shall take effect upon its approval.

Upon motion of Senator Knudsen, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 53 entitled "An Act to Amend Section 2 of Chapter 2 of the Revised Laws of Hawaii."

Senator Knudsen moved that the Bill pass Second Reading. Seconded by Senator Fairchild.

Senator Coelho moved that the Bill be laid on the table. Seconded by Senator Robinson.

The motion to lay the Bill on the table was then put and carried.

Second Reading of Senate Bill No. 83 entitled "An Act to Establish a Law Uniform with the Laws of Other States and Territories for the Acknowledgment and Execution of Written Instruments."

Upon motion of Senator Chillingworth, seconded by Senator Knudsen, the Report of the Committee on the Bill was adopted.

A Communication (No. 130) from the House of Representatives, informing the Senate of the adoption of the Report of the Special Joint Conference Committee on House Bill No. 140, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 25, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii has this day adopted the report of the Special Joint Conference Committee on House Bill No. 140.

Respectfully,
EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
At 11:32 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Chillingworth and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 131) from the House of Representatives, transmitting House Bill No. 94, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 25, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 94, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 94 entitled "An Act to Amend Section 3018 of the Revised Laws, Relating to the Circulation of Commercial Paper."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Harvey, passed First Reading.

A Communication (No. 132) from the House of Representatives, transmitting House Bill No. 99, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 25, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 99,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 99 entitled "An Act to Amend Section 13 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to Deputy Sheriffs."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Brown, passed First Reading.

A Communication (No. 133) from the House of Representatives, transmitting House Bill No. 100, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 25, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 100, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 100 entitled "An Act to Amend Act 84 of the Session Laws of 1905, Relating to Attachments."

The Bill was read by title and, upon motion of Senator Harvey, seconded by Senator Brown, passed First Reading.

A Communication (No. 134) from the House of Representatives, transmitting House Bill No. 146, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 25, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 146,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 146 entitled "An Act to
Amend Section 15 of Act 125 of the Session Laws of 1907 of
the Territory of Hawaii, Relating to Pounds."

The Bill was read by title and, upon motion of Senator
Harvey, seconded by Senator Fairchild, passed First Reading.

At 2:03 o'clock the Chair announced a recess of 5 minutes.

At 2:08 o'clock the Senate reconvened, resolving itself into
Committee of the Whole for the further consideration of
Senate Bill No. 121, entitled "An Act to Provide for Elections
in the Territory of Hawaii and in the Various Subdivisions
thereof," on Second Reading, Senator Woods in the Chair.

At 3:21 o'clock the Senate came to order, Senator Woods
for the Committee of the Whole, reporting progress, recom-
mending amending the Bill and recommitting the same to the
Select Committee on Election Laws, and asked for further
time within which to present a written report.

The Report of the Committee was adopted.

At 3:22 o'clock, upon motion of Senator Coelho, seconded
by Senator Harvey, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-SECOND DAY.

Friday, March 26th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Knudsen (excused) absent.

The Journal of the Thirty-first Day was read and, upon motion of Senator Robinson, seconded by Senator Woods, approved as read.

A Message (No. 11) from the Governor, vetoing House Bill No. 17, was read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

**Territory of Hawaii,
Executive Chamber,**

Honolulu, T. H., March 26, 1909.

To the Legislature:

I herewith return, without my approval, House Bill No. 17 entitled "An Act to Amend Section 23 of An Act entitled 'An Act Incorporating the City and County of Honolulu,' being Act 118 of the Session Laws of 1907."

This Act in my opinion attempts to confer upon the Board of Supervisors of the City and County of Honolulu too extensive as well as most unusual powers. This is due perhaps to a desire to make sure of meeting certain needs deemed to be important. In such cases, however, great care should be taken to avoid going so far that the resulting evils in other directions will be greater than the evil intended to be remedied, or so far that even the desired object itself will be frustrated.

Assuming for present purposes that the provisions of Section 1 are not so broad as to be unconstitutional, or at least that it would be safe to enact them and leave their construction or effect to the courts, and also that there is no objection to Section 2 taken by itself, I think that Section 3, especially in connection with Section 2, goes altogether too far.

Section 2 authorizes the Board of Supervisors to make all ordinances necessary to protect health, life and property, in other words, to cover practically all subjects embraced within the Territorial criminal laws as well as many other subjects of legislation. Section 3 provides that any statute of the Territory in conflict with any such ordinance shall cease to be operative

within the city and county so long as the ordinance remains in force.

I know of no similar provision elsewhere so broad as this, although I am aware that in some places somewhat similar powers are conferred under different conditions and with reference to a narrower range of subjects.

Apparently the purpose of Section 3 is to avoid the effect of the decision of the Supreme Court in the case of the Territory vs. McCandless, 18 Haw., 616, but in order to accomplish this it would be sufficient to provide merely that city and county ordinances should not be inoperative by reason of the fact that there is a Territorial law covering the same subject. There is no need of giving the city and county such extensive authority to annul or repeal so far as it is concerned the laws of the Territory.

WALTER F. FREAR,
Governor of Hawaii.

Senator McCarthy moved to reconsider the passage of House Bill No. 17 on the Veto of the Governor. Seconded by Senator Fairchild and carried.

Senator McCarthy moved that further action on House Bill No. 17 be deferred until Monday, March 29th, 1909, at 2 o'clock in the afternoon. Seconded by Senator Quinn and carried.

A Communication (No. 29) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., March 25, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to notify your Honorable Body that the Governor has this day, March 25, 1909, signed the following Bills:

Senate Bill No. 53, Act 35, An Act Making Additional Appropriations for the Departmental Use of the Territory for the

Biennial Period Ending the Thirtieth Day of June, A. D. 1909;

Senate Bill No. 71, Act 36, An Act to Appropriate Money for the Payment of the Trustees of the Estate of Bernice Pauahi Bishop for the Taking of Certain Lands by the Territory;

House Bill No. 87, Act 37, An Act to Amend Section 2928 and Section 2931 of the Revised Laws of Hawaii;

House Bill No. 18, Act 38, An Act to Amend Section 1660 of the Revised Laws of Hawaii, as Amended by Act 31 of the Session Laws of 1905, Relating to the Appointment and Removal of District Magistrates;

Senate Bill No. 61, Act 39, An Act to Provide for Validating the Incorporation of Railway and Transportation Companies Heretofore Incorporated Under Charters Granted by the Treasurer of the Territory of Hawaii with the Consent of the Governor, or by Their Predecessors in Office, and Certain Contracts Made and Acts and Proceedings Had Under said Charters and Amendments Thereto, and in Reference Thereto, and the Granting Thereof;

House Bill No. 15, Act 40, An Act Providing for the Maintenance and Support of the Family of a Deceased Person Pending the Administration of His Estate;

House Bill No. 140, Act 41, An Act Authorizing the Payment of Certain Persons for Services Actually Rendered to the City and County of Honolulu.

Senate Bill No. 51, Act 42, An Act to Amend Sections 186, 187 and 188 of the Revised Laws Relating to the Department of Public Instruction;

Senate Bill No. 45, Act 43, An Act to Provide for Service on Corporations;

House Bill No. 134, Act 44, An Act to Amend Chapter 217 of the Revised Laws of Hawaii, Relating to Gambling, by Adding Thereto Two New Sections, to be Known as Section 3175A and Section 3175B;

House Bill No. 65, Act 45, An Act to Provide for Indeterminate Sentences for Certain Felonies.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

Senator Baker presented a Petition (No. 52) from 38 residents of the Second Representative District praying for the Division of the Island of Hawaii into Two Counties, as follows:

The President of the Senate and
Members of the Same Body.

Gentlemen:—We, the undersigned, citizens and tax-payers and voters of the Second Representative District of the Territory of Hawaii, hereby supplicate to your Honorable Body to divide the County of Hawaii, T. H., into two (2) counties, namely:

First County.—Hamakua, Hilo and Puna to be called the County of East Hawaii, and its seat at Hilo town.

Second County.—Kau, the two (2) Konas and the two (2) Kohalas to be called the County of West Hawaii, and its seat at Kailua.

We, the people at large, pray that you will carry out and fulfil the same.

(38 Signatures.)

The Petition was ordered referred to the Select Committee of Hawaii members.

Senator Baker presented a Petition (No. 53) relating to an appropriation for a New Four Room School House at Napoopoo, South Kona, as follows:

The Honorable President and the
Members of the Senate of the
Territory of Hawaii.

We, the undersigned, are school tax-payers also parents and guardians of school children who are attending the Napoopoo School, and for the convenience of the school children who are living at Kealakekua mauka, Kahaulea mauka and Keei mauka, do hereby pray and petition your Honorable Body to appropriate a certain sum of money enough to build and construct a new 4-room school house for the Napoopoo School somewhere about midway between mauka and Napoopoo beach in the District of South Kona, County and Territory of Hawaii.

(35 Signatures.)

The Petition was ordered referred to the Committee on Education.

Senator Baker presented a Petition (No. 54) relating to an appropriation for New Wharf and Wharf Shed at Napoopoo, South Kona, as follows:

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

We, the undersigned, are citizens of the United States of America residing in the neighborhood of the Napoopoo Landing, also tax-payers in the District of South Kona, County and Territory of Hawaii, and hereby pray and petition your Honorable Body to appropriate a certain sum of money to build and construct a new wharf and wharf shed at the said Napoopoo Landing in the said District of South Kona.

(39 Signatures.)

The Petition was ordered referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

A Communication (No. 55) from the Young Men's Christian Association, protesting against the shortening of the compulsory school age of children and the lowering of teachers' salaries, was read by the Clerk as follows:

YOUNG MEN'S CHRISTIAN ASSOCIATION.

Honolulu, T. H., March 25, 1909.

Honorable W. O. Smith,
Honolulu, T. H.

Dear Sir:--We wish to add the indorsement of our institution to this petition which you have already received from other sources. As we have a night school enrolling over 100 working boys and young men, we feel that we are in touch with the class interested in this action.

Respectfully,

PAUL SUPER,
General Secretary.

The Honorable W. O. Smith,
President of the Senate.

We, the undersigned, respectfully petition and ask:

First: That any bill shortening the compulsory school age of children of this Territory, be not passed.

Second: Legislative action, tending to reduce school appropriations, to wit: the lowering of teachers' salaries, or the

failure to provide accommodations for children of school age, be considered a menace to the welfare of the citizens of this Territory.

The statistics of the public schools of all lands show:

First: That there is a direct ratio between crime and education. Reduction of the public school is inevitably followed by the expansion of the prison and the poor house.

Second: That social progress and political welfare both stand in a direct ratio to the length of the school life of the child, and to the efficiency of the school system.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

By its Executive Committee:

RICHARD H. TRENT,
F. C. ATHERTON,
WILLIS T. POPE,
G. WATERHOUSE,
R. A. ROBBINS,
WM. G. HALL.

The Communication was ordered referred to the Committee on Education.

Senator Chillingworth on behalf of the Committee on Judiciary presented the Report (No. 155) of the Committee on Senate Bill No. 111, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 25, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 111, entitled "An Act to Provide for the Payment of Commutation Due the Territory," begs leave to report that it has had the same under careful consideration.

The object of this Bill is to provide a means by which the amounts due the Territory as commutation may be collected.

At the present time a number of lands are subject to this claim, but have not paid it and as long as unpaid it remains a cloud on the title of such land.

The amount due the Territory runs up into thousands of

dollars and by passing this law the Territory would be able to recover the greater part of this amount.

Your Committee recommends the passage of this Bill with the following amendments:

Section 3. Insert the words "After January 1, 1910" at the beginning thereof.

Section 5, line 10. (Line 8 of the Printed Bill.) Strike out the word "ten" and insert in lieu thereof the word "thirty."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Chillingworth, seconded by Senator Moore, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Chillingworth on behalf of the Committee on Judiciary presented the Report (No. 156) of the Committee on Senate Resolution No. 44, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 25, 1909.

Honorable W. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Resolution No. 44, relating to Appointments by the President of the United States, begs leave to report that it has had the same under consideration, and recommends its adoption with slight amendments:

First: By changing the fifth paragraph of the preamble, so that it shall read as follows:

"WHEREAS, for over half a century the spirit of American liberty and the principles of American institutions and constitutional government have steadily grown in the Hawaiian Islands; and"

Second: By changing the two paragraphs of the conclusion, so that they shall read as follows:

"NOW, THEREFORE THE SENATE OF THE TERRITORY OF HAWAII does hereby declare its disapproval of the appointment of other than citizens of the Territory to judicial offices

and to executive offices pertaining to the administration of justice, within its borders;

“AND BE IT RESOLVED, further, that a copy of this Resolution be sent forthwith to the President of the United States, the Attorney General of the United States, and the Governor of the Territory of Hawaii.”

The main amendment above is made in view of the fact that the only matters of appointment now before the public are those pertaining to the offices mentioned in the first paragraph of the preamble to said Resolution, which relate to the judiciary and to the administration of justice.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Chillingworth, seconded by Senator Kalama, action on the Resolution and the Report of the Committee was deferred until Monday, March 29th, 1909, and the Clerk ordered to furnish typewritten copies of the Resolution as amended by the Committee.

Senator Coelho presented the Report (No. 157) of the Committee on Public Health on Senate Bill No. 114, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 26, 1909.

Honorable W. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Public Health to whom was referred Senate Bill No. 114, has had the same under careful consideration and begs leave to report as follows:

The object of the Bill is to provide for compensating physicians who may be required to make examination of any leprous patients pursuant to the provisions of Chapter 94 of the Revised Laws of Hawaii as amended by Act 122 of the laws of 1907.

At the present time, no provision is made for this examination and your Committee has found, that, in a number of cases, persons interested would not select a physician as required by law, because it was felt, that, being penniless and without as-

sured assistance, no physician would agree to act without charge.

Your Committee therefore recommend the passage of the Bill with the following amendments:

1.—Insert after the word "than" in line 10 the words: "Five nor more than Ten".

2.—Strike out the words: "the sum of" in line 10.

3.—Insert after the word "examination" in line 11 the following words: "as the Board of Health may approve. Provided however, that no fee shall be paid to any of such physicians if they are receiving regular monthly salaries from the Territory of Hawaii."

Respectfully submitted,

W. J. COELHO,

Chairman;

F. R. HARVEY,

GEO. H. FAIRCHILD.

Upon motion of Senator Coelho, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho asked for further time within which to report on Senate Resolution No. 32 referred to the Select Committee of Maui members. Granted.

Senator Harvey offered the following Resolution (No. 46) relating to an Appropriation of \$1,200.00 for the Examination of Lepers:

SENATE CHAMBER,

RESOLUTION.

Honolulu, T. H., March 26, 1909.

RESOLVED, that the sum of \$1,200.00 be inserted in the Appropriation Bill for the expenses of examination of lepers.

F. R. HARVEY,

Senator, 3rd District.

The Resolution was ordered referred to the Committee on Public Health.

Senator Baker offered the following Resolution (No. 47) relating to an appropriation of \$15,000.00 for Building and Constructing a New Wharf at Honuapo, District of Kau:

RESOLUTION.

BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF HAWAII, that the sum of \$15,000.00 be inserted in the Appropriation Bill for the building and constructing of a new wharf at Honuapo, Honuapo Landing, in the District of Kau.

DAVID K. BAKER,
Senator, 1st District.

Upon motion of Senator Baker, seconded by Senator McCarthy, the Resolution was referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Woods presented the Report of the Committee of the Whole on Senate Bill No. 121, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 25, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee of the Whole, to whom was referred Senate Bill No. 121, entitled "An Act to Provide for Elections in the Territory of Hawaii and in the Various Subdivisions thereof," begs leave to report that it has had the same under consideration, and would recommend that the following amendments be made:

In line 2 of Section 4, strike out the word "place" and insert in lieu thereof the word "places."

In line 8 of the same Section insert the words "of reward" after the word "offer."

Strike out the word "Sheriff" at the end of line 5 of Section 5 and insert in lieu thereof the word "Sheriffs:"

Strike out the word "Any" at the beginning of line 11 of Section 6 and insert in lieu thereof the word "Every."

Insert the words "and again" after the word "again" in line 4 of Section 33.

Insert the word "immediately" after the word "marked" in line 22 of Section 39.

Insert the words "or agents of candidates" after the word "Candidates" in line 18 of Section 44.

Insert the word "other" between the words "any" and "person" in line 77 of Section 56.

Insert the word "to" before the words "or occupying" in line 11 of Section 57.

Strike out the word "may" in line 31 of Section 58 and insert in lieu thereof the word "any."

In the table on Page after Page 60 of the Original Bill insert two more columns after the column headed "Residence" said two new columns to be headed respectively "Representative District" and "Precinct."

Strike out the word "Sixth" before the words "Representative District" in line 19 of Section 63 and substitute therefor a blank space.

With the above amendments, your Committee of the Whole would recommend that the Bill be recommitted to the Select Committee on Election Laws.

Respectfully submitted,

PALMER P. WOODS,
Chairman, Committee of the Whole.

Upon motion of Senator McCarthy, seconded by Senator Fairchild, the Report of the Committee was adopted.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 83 entitled "An Act to Establish a Law Uniform with the Laws of other States and Territories for the Acknowledgment and Execution of Written Instruments."

Upon motion of Senator Fairchild, seconded by Senator Coelho, action on the Bill was deferred until Monday, March 29, 1909.

Third Reading of Senate Bill No. 115 entitled "An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, Being Supplementary to Act 33 of the Laws of 1909."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Knudsen and Robinson—2.

Second Reading of House Bill No. 85 entitled "An Act Relating to Militia Enrollment."

Referred to the Committee on Military and Public Expenditures.

Second Reading of House Bill No. 94 entitled "An Act to Amend Section 3018 of the Revised Laws of Hawaii, Relating to Circulation of Commercial Paper."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 99 entitled "An Act to Amend Section 13 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to Deputy Sheriffs."

Senator Baker moved to defer action on the Bill until Tuesday, March 30th, 1909, to be considered in Committee of the Whole. Seconded by Senator Makekau and carried.

Senator Woods moved to reconsider the action taken on House Bill No. 99. Seconded by Senator Makekau and lost.

Second Reading of House Bill No. 100 entitled "An Act to Amend Act 84 of the Session Laws of 1905, Relating to Attachments."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 146 entitled "An Act to Amend Section 15 of Act 125 of the Session Laws of 1907 of the Territory of Hawaii, Relating to Pounds."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of Senate Bill No. 111 entitled "An Act to Provide for the Payment of Commutation due the Territory."

Section 1. Passed as read.

Section 2. Passed as read.

Section 3. Senator Fairchild moved to adopt the recommendation of the Committee. Seconded by Senator Chillingworth and carried.

Senator Fairchild moved to strike out the words "name of the owner" in line 16 of Section 3 and insert in lieu thereof the words "names of the owners." Seconded by Senator Kalama and carried.

The Section passed as amended.

Section 4. Passed as read.

Section 5. Senator Chillingworth moved to adopt the recommendation of the Committee. Seconded by Senator Fairchild and carried.

The Section passed as amended.

Section 6. Passed as read.

Section 7. Passed as read.

Senator Fairchild moved that the Bill pass Second Reading as amended. Seconded by Senator Chillingworth and carried.

Second Reading of Senate Bill No. 114 entitled "An Act to Amend Chapter 94 of the Revised Laws of Hawaii, as amended by Act 112 of the Laws of 1907, Relating to Leper Settle-

ment and Hospitals by Adding a New Section thereto to be known as Section 1122B."

Senator Coelho moved to strike out the words "the physicians" in line 8 of Section 1 and insert in lieu thereof the words "licensed physician." Seconded by Senator Fairchild and carried.

Senator Coelho moved to adopt the recommendations of the Committee as to Section 1. Seconded by Senator McCarthy and carried.

Senator Coelho moved to strike out the figures "112" in the title and insert in lieu thereof the figures "122." Seconded by Senator McCarthy and carried.

Senator Coelho moved that the Bill pass Second Reading as amended. Seconded by Senator Fairchild and carried.

A Communication (No. 30) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 46 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., March 26, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—It affords me pleasure to inform your Honorable Body that the Governor has this day, March 26, 1909, signed the following Bill:

Senate Bill No. 91, Act 46, An Act Relating to the Militia, Amending Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii, Adding New Sections Thereto to be Known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B, and Repealing Sections 130, 141, 142, 159 and 166.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 135) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 117, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 117.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Under suspension of the Rules, Senator Kalama presented the Report (No. 158) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Bill No. 120, as follows:

Honolulu, T. H., March 26, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands, etc., to which was referred House Bill No. 120, entitled "An Act Declaring and Designating a Certain Tract of Land at Makaoku, Waiakea, Hilo, Hawaii, as a Public Park", has had same under consideration.

The Bill seeks to set aside Public Land at Makaoku, Waiakea, Hilo, Hawaii, for a Public Park and Recreation Ground.

The object of the Bill is a good one and your Committee recommends the passage of the same.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 120 entitled "An Act Declaring and Designating a Certain Tract of Land at Makaoku, Waiakea, Hilo, Hawaii, as a Public Park."

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Report of the Committee on the Bill was adopted.

Senator Kalama presented the Report (No. 159) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Bill No. 96, as follows:

Honolulu, T. H., March 26, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands, etc., to which was referred House Bill No. 96, entitled "An Act Declaring and Designating a Certain Tract of land at Hilo, Hawaii, as a Public Park", has had the same under careful consideration.

The object of the Bill is to set aside Public Land at the corner of Pitman and Ponahawai streets, Hilo, Hawaii, for a Public Park and Recreation Ground.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 96 entitled "An Act Declaring and Designating a Certain Tract of Land at Hilo, Hawaii, as a Public Park."

Upon motion of Senator Woods, seconded by Senator Brown, the Report of the Committee on the Bill was adopted.

Senator Kalama presented the Report (No. 160) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Bill No. 110, as follows:

Honolulu, T. H., March 26, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands, etc., to whom was referred Senate Bill No. 110, entitled "An Act to Encourage Diversified Industries", has had the same under careful consideration, and recommends the passage of the same.

The bill seeks for the exemption from both property and personal taxes land solely and actually used in the cultivation and production of tobacco.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS.

Upon motion of Senator Coelho, seconded by Senator Robinson, action on the Report of the Committee and the Bill was deferred until Saturday, March 27th, 1909.

Senator Coelho moved to reconsider the action taken on House Bill No. 53. Seconded by Senator Kalama and carried.

Second Reading of House Bill No. 53 entitled "An Act to Amend Section 2 of Chapter 2 of the Revised Laws of Hawaii."

Senator Kalama moved that the Bill pass Second Reading. Seconded by Senator Harvey.

Senator Moore moved that the Bill be laid on the table. Seconded by Senator Baker.

The motion to lay the Bill on the table was then put and lost.

The motion to pass the Bill on Second Reading, being put, carried.

Under suspension of the Rules, Senator Coelho gave notice of intention to introduce a Bill entitled "An Act Making Special Appropriations for the Use of the Territory of Hawaii During the Two Years which will end with the Thirtieth Day of June, A. D. 1911."

Senator Coelho introduced a Bill (S. B. No. 123) entitled "An Act Making Special Appropriations for the Use of the Territory of Hawaii During the Two Years which will end with the Thirtieth Day of June, A. D. 1911."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Woods, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 11:38 o'clock Senator Quinn moved to take a recess until 2 o'clock. Seconded by Senator Robinson and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 31) from Marston Campbell, Superintendent of Public Works, replying to Senate Resolution No. 45, was read by the Clerk as follows:

DEPARTMENT OF PUBLIC WORKS.

Office of Superintendent,

Honolulu, T. H., March 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii, Honolulu.

Gentlemen:—I am in receipt of communication from the Clerk of the Senate, dated the 25th inst., in reference to resolution adopted by your Honorable Body, directing the heads of departments to prohibit their employees from lobbying under penalty of summary removal from office, and in reply would state that upon the opening of the session of the Legislature, each and every employee of the Department of Public Works was instructed not to interfere in matters of legislation, and were notified that if they had any suggestions to offer, the head of the department would be pleased to present them through the proper channels.

Very truly yours,

MARSTON CAMPBELL,
Superintendent of Public Works.

The Communication was ordered received and placed on file. A Communication (No. 32) from Marston Campbell, President and Executive Officer of the Board of Agriculture and Forestry, replying to Senate Resolution No. 45, was read by the Clerk as follows:

TERRITORY OF HAWAII
BOARD OF COMMISSIONERS OF AGRICULTURE
AND FORESTRY.

Honolulu, Hawaii, March 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii, Honolulu.

Gentlemen:—I am in receipt of communication from the Clerk of the Senate, dated the 25th inst., in reference to Resolution adopted by your Honorable Body, directing the heads of departments to prohibit their employees from lobbying under penalty of summary removal from office, and in reply would state that a resolution was adopted by the Board of Agriculture and Forestry some time since, placing all matters pertaining to legislation in the hands of a Committee consisting of Mr. J. M. Dowsett and myself; all employees were instructed to refrain from interfering with legislative matters and were notified, if they had any suggestions to offer, that this Committee would be pleased to present them through the proper channels.

Very truly yours,

MARSTON CAMPBELL,
President and Executive Officer,
Board of Agriculture and Forestry.

The Communication was ordered received and placed on file. A Communication (No. 33) from Walter E. Wall, Surveyor, replying to Senate Resolution No. 45, was read by the Clerk as follows:

TERRITORY OF HAWAII,
Office of the Government Survey,

Honolulu, T. H., March 26, 1909.

Honorable W. O. Smith,
President of the Senate,
Senate Chamber, Honolulu.

Sir:—I have to acknowledge the receipt of letter from the Clerk of the Senate informing me that the following resolution was adopted by the Senate on the 25th inst.:

"RESOLUTION.

RESOLVED, that the heads of the various departments of the Government of the Territory of Hawaii be, and they are hereby, directed to prohibit employees of their respective departments from lobbying under penalty of summary removal from office."

Very respectfully,

WALTER E. WALL,
Surveyor.

The Communication was ordered received and placed on file. A Communication (No. 136) from the House of Representatives, transmitting House Bill No. 116, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 116, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 116 entitled "An Act to Amend Sections 3, 4 and 5 of Act 104 of the Session Laws of 1907, Being 'An Act to Provide for the Protection of Birds Beneficial to the Forests of the Territory of Hawaii, and to Define the same.'"

The Bill was read by title and, upon motion of Senator Harvey, seconded by Senator Brown, passed First Reading.

A Communication (No. 137) from the House of Representatives, transmitting House Bill No. 50, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 50,
which this day passed Third Reading in the House of Represent-
atives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 50 entitled "An Act to
Provide for the Disposition of the Proceeds Arising from
Agriculture and Industrial Pursuits in Certain Schools."

The Bill was read by title and, upon motion of Senator Har-
vey, seconded by Senator McCarthy, passed First Reading.

A Communication (No. 138) from the House of Representa-
tives, returning Senate Bill No. 92, was read by the Clerk as
follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 92, which
this day passed Third Reading in the House of Representatives
of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 34) from Jas. W. Pratt, Commissioner of Public Lands, replying to Senate Resolution No. 45, was read by the Clerk as follows:

TERRITORY OF HAWAII.

Commissioner of Public Lands.

Honolulu, T. H., March 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii, Honolulu.

Gentlemen:—I beg to acknowledge receipt of a copy of the following

“RESOLUTION.

RESOLVED, that the heads of the various departments of the Government of the Territory of Hawaii be, and they are hereby, directed to prohibit employees of their respective departments from lobbying under penalty of summary removal from office.”

Very respectfully yours,

JAS. W. PRATT.

Commissioner of Public Lands.

The Communication was ordered received and placed on file.

Under suspension of the Rules, Senator Brown presented the Report (No. 161) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 122, as follows:

Honolulu, T. H., March 26, 1909.

The Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 122 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 162) of the Committee on Ways and Means on Senate Bill No. 104, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 26, 1909.

The Honorable W. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Ways and Means to whom was referred Senate Bill No. 104 begs leave to report that it has had the same under careful consideration and finds:

The Bill as submitted, is the result of the investigations made by your Committee pursuant to Communication No. 2 from the Auditor of the Territory submitting claims filed in his office in accordance with the provisions of Senate Resolution No. 45 adopted May 1, 1907.

The Bill proposes to appropriate moneys out of the funds of the County of Maui to pay the officers who were elected and served, and those employed under and by virtue of Act 31 of the Laws of 1903. Each of the items in the Bill, we find, was approved by the then Board of Supervisors, and warrants issued in favor of each claimant. All of the claims are correct except those for the elected officers who put in claims for the full month, when as a matter of fact, they only served 10 days. In the case of these claims, we have approved the amount inserted in the Bill, and not as in the warrants submitted by the Auditor. In the matter of the claims of the District Magistrates your Committee find, there were two sets of Magistrates in commission. The old, the territorial, whose commissions had not expired, continued and were paid for the full month of January, 1904, out of the territorial appropriation then in force. While the County appointees served, and were not paid.

Your Committee is of the opinion, that as the people of Maui have received the benefit of the services of the claimants in the Bill they should be made to pay for the same.

Your Committee therefore recommends the passage of the Bill with the following amendment:

Add to end of Section 2 the following words: "and subject to the approval of the Board of Supervisors."

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
E. W. QUINN,
H. T. MOORE,
JOHN T. BROWN.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 104 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County of Maui created by virtue of Act 31 of the Session Laws of 1903."

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 122 entitled "An Act to Amend Section 1223 of the Revised Laws, as Amended by Act 77, Session Laws of 1907, Relating to the Exemption from Taxation of Property used in Certain Industries."

Senator Coelho moved that the Bill be referred to the Committee on Judiciary. Seconded by Senator Fairchild.

Senator McCarthy moved that the Bill be referred to the Committee on Ways and Means. Seconded by Senator Robinson.

Senator Makekau moved that the Bill be laid on the table. Seconded by Senator Fairchild.

Senator Chillingworth moved that further action on the Bill be deferred until Tuesday, March 30th, 1909. Seconded by Senator Robinson.

The motion to defer action on the Bill until Tuesday, March 30th, 1909, was then put and carried.

At 2:40 o'clock upon motion of Senator Robinson, seconded by Senator Woods, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-THIRD DAY.

Saturday, March 27th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Thirty-Second Day was read and, upon motion of Senator Woods, seconded by Senator Brown, approved as read.

A Communication (No. 35) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 47 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 26, 1909.

The Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to inform your Honorable Body that the Governor has this day, March 26, 1909, signed the following Bill:

House Bill No. 114, Act 47, An Act Making It a Misdemeanor to Deposit or Cause to be Deposited in Any Highway in the Territory of Hawaii Any Substance Dangerous to Traffic, and Providing a Penalty Therefor.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii;

By D. L. CONKLING,
Chief Clerk.

The Communication was ordered received and placed on file.

A Communication (No. 36) from Mark P. Robinson, President of the Territorial Board of Health, replying to Senate Resolution No. 45, was read by the Clerk as follows:

TERRITORIAL BOARD OF HEALTH, HAWAII.

Honolulu, Hawaii, March 27, 1909.

The Honorable President and
Senate of the Territory of Hawaii.

Gentlemen:—I have the honor to acknowledge the receipt of your letter of the 25th inst., embodying an anti-lobbying resolution.

I would inform you in reply that notices have been placed prohibiting employees of this department from lobbying under penalty of summary removal from office.

Respectfully,

MARK P. ROBINSON,
President, Territorial Board of Health.

The Communication was ordered received and placed on file. A Communication (No. 56) from John A. Scott, Chairman Shippers Wharf Committee of Hilo, Hawaii, relative to the placing of the Board of Health and Quarantine Officials under the County Board of Supervisors, was read by the Clerk as follows:

SHIPPERS' WHARF COMMITTEE.

Hilo, T. H., March 26, 1909.

The Honorable W. O. Smith,
Senate Chamber,
Honolulu, Oahu.

Sir:—We learn from the newspapers that in an alternate Appropriation Bill, it is proposed to put our Board of Health and Quarantine Officials under the control of the County Board of Supervisors. Our Committee, which is always in close touch with health matters, believes that such a change in authority would be disastrous, not only to the district, but to the Territory as a whole.

The subdivision of authority in such case would tend to varied methods and manners of enforcing laws, which probably above all others should be uniformly applied all over the Territory. There would also be grave danger of the various local

Board of Health offices being used as political plums, a condition which should not be tolerated, or even contemplated.

Believing this earnestly, we would most respectfully request that you use all the influence you possess to defeat the consummation of such a scheme.

Yours very respectfully,

JOHN A. SCOTT,
Chairman.

Attest:

R. T. GUARD,
Secretary.

The Communication was ordered referred to the Committee on Ways and Means.

Senator Brown presented the Report (No. 163) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 123, as follows:

Honolulu, T. H., March 27, 1909.

The Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 123 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 164) of the Committee on Ways and Means on Senate Bill No. 105, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 27, 1909.

The Honorable W. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Ways and Means to whom was referred Senate Bill No. 105 has had the same under careful consideration and begs leave to report as follows:

The Bill proposes to appropriate moneys out of the funds of the County of Hawaii "for the purpose of paying the unpaid claims against the County governments of East and West Hawaii created by virtue of Act 31 of the Session Laws of 1903", these claims being for services rendered during the 10 days from January 4 to the 14th, inclusive, in the year 1904, and were submitted to the Legislature pursuant to the provisions of Senate Resolution No. 45 adopted May 1, 1907.

We have found them correct, and were verified further by the records submitted.

Your Committee therefore recommends the passage of the Bill with the following amendments:

- 1.—Insert a new item in line 53 to read: "H. L. Kawewehi, \$16.12";
- 2.—Change total "\$91.91" to "\$108.03";
- 3.—Amend the words and figures "Nine Hundred Dollars and Twenty-three Cents (\$900.23)" to read "Nine Hundred and Sixteen Dollars and Thirty-five Cents"; lines 1 and 2 of Section 1;
- 4.—Add to end of "Section 2" the words "and subject to the approval of the Board of Supervisors."

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
JOHN T. BROWN,
E. W. QUINN,
H. T. MOORE.

Upon motion of Senator Fairchild, seconded by Senator Kalama, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Harvey offered the following Resolution (No. 48) relating to an appropriation of \$35,000.00 for the extension of Kuakini Street, from Nuuanu to Punchbowl Streets:

SENATE CHAMBER,

Honolulu, T. H., March 27, 1909.

RESOLUTION.

RESOLVED, that the sum of \$35,000.00 be inserted in the Appropriation Bill for the extension of Kuakini street from Nuuanu to Punchbowl streets.

F. R. HARVEY,
Senator, 3rd District.

The Resolution was ordered referred to the Committee on Ways and Means.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 110 entitled "An Act to Encourage Diversified Industries."

Senator Coelho moved to insert the words "and rubber" after the word "tobacco" in line 3 of Section 1. Seconded by Senator McCarthy.

Senator McCarthy moved as an amendment to insert the words "rubber, cork oak, manila hemp, sansavaria salonica hemp and cacao" after the word "tobacco" in line 3 of Section 1. Senator Coelho accepted the amendment which carried.

Senator Chillingworth moved that the Bill pass Second Reading as amended. Seconded by Senator Coelho and carried.

Third Reading of Senate Bill No. 68 entitled "An Act Relating to Terms of Circuit Courts Amending Sections 1644 and 1646 of the Revised Laws as Amended by Acts 34 and 37 respectively of the Laws of 1905, and as further Amended by Act 50 of the Laws of 1907."

Upon motion of Senator Baker, seconded by Senator Makekai further action on the Bill was deferred until Saturday, April 3rd, 1909.

Third Reading of Senate Bill No. 104 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County of Maui created by Virtue of Act 31 of the Session Laws of 1903."

Senator Coelho moved to strike out the word "E. H. Keki" under the head of "District Magistrates" and insert in lieu thereof the word "E. H. Kekapai." Seconded by Senator Kalama and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Makekau—1.

Third Reading of Senate Bill No. 111 entitled "An Act to Provide for the Payment of Commutation Due the Territory."

Senator Fairchild moved to strike out the words "6%" after the words "interest at" in line 9 of Section 1 and insert in lieu thereof the words "at the rate of Six (6%) Per Cent." Seconded by Senator Knudsen and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Moore—1.

Third Reading of Senate Bill No. 114 entitled "An Act to Amend Chapter 94 of the Revised Laws of Hawaii, as Amended by Act 122 of the Laws of 1907, Relating to the Leper Settlement and Hospitals, by Adding thereto a New Section to be known as Section 1122B."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 53 entitled "An Act to Amend Section 2 of Chapter 2 of the Revised Laws of Hawaii."

Senator Knudsen moved that the Bill pass Third Reading. Seconded by Senator Chillingworth.

Senator Moore moved that the Bill be laid on the table. Seconded by Senator McCarthy and lost.

The Bill was lost on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Fairchild, Kalama and Knudsen—6.

Noes: Senators Coelho, Harvey, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—9.

Senator Makekau moved to reconsider the action taken on House Bill No. 53. Seconded by Senator Chillingworth and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen and Woods—9.

Noes: Senators Kalama, McCarthy, Moore, Quinn, Robinson and Mr. President—6.

Senator Makekau moved that further action on the Bill be deferred until Monday, March 29th, 1909. Seconded by Senator Chillingworth and carried.

Third Reading of House Bill No. 96 entitled "An Act Declaring and Designating a Certain Tract of Land at Hilo, Hawaii, as a Public Park."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 120 entitled "An Act Declaring and Designating a Certain Tract of Land at Makaoku, Waiakea, Hilo, Hawaii, as a Public Park."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 50 entitled "An Act to Provide for the Disposition of the Proceeds arising from Agriculture and Industrial Pursuits in Certain Schools."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 116 entitled "An Act to Amend Sections 3, 4 and 5 of Act 104 of the Session Laws of 1907, Being 'An Act to Provide for the Protection of Birds Beneficial to the Forests of the Territory of Hawaii, and to Define the same'."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of Senate Bill No. 123 entitled "An Act Making Special Appropriations for the Use of the Territory of Hawaii During the Two Years which will end with the Thirtieth Day of June, A. D. 1911."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 105 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County Governments of East and West Hawaii created by virtue of Act 31 of the Session Laws of 1903."

Senator Coelho moved to adopt the Report of the Committee on the Bill. Seconded by Senator McCarthy.

At 11:30 o'clock Senator Kalama moved to take a recess of 5 minutes. Seconded by Senator Chillingworth and carried.

At 11:35 o'clock the Senate reconvened.

A Message (No. 12) from the Governor, vetoing House Bill No. 136, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

**Territory of Hawaii.
Executive Chamber.**

Honolulu, March 27, 1909.

To the Legislature:

I return herewith, without my approval, House Bill No. 136, entitled "An Act to Amend Section 1278 of the Revised Laws as Amended by Act 87 of the Session Laws of 1905 Relating to Income Tax."

The Bill purports to amend the entire section, but it omits the last paragraph, which defines taxation periods. It remedies this omission in part by defining taxation periods as to persons but does not do so as to corporations. Thus there would be at least a very grave question whether the income tax law as a whole could be construed as defining taxation periods for corporations, and therefore whether the law could be enforced against corporations.

The same oversight was made by the last Legislature, thereby necessitating a veto, and probably was due to a failure to turn over the leaf of the Session Laws where the section is printed; the first paragraph ends at the bottom of a page and has the appearance of constituting the entire section. The mistake is one that can easily be remedied by a new bill.

WALTER F. FREAR,
Governor of Hawaii.

Senator Kalama moved to reconsider the passage of House Bill No. 136 on the Veto of the Governor. Seconded by Senator Knudsen and carried.

The Bill failed to pass on the Veto of the Governor on the following showing of Ayes and Noes:

Ayes: 0.

Noes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

The motion to adopt the Report of the Committee on Senate Bill No. 105 was then put and carried.

Senator McCarthy moved to take Senate Bill No. 6 off the table. Seconded by Senator Woods and carried.

Second Reading of Senate Bill No. 6 entitled "An Act to Amend and Re-enact Section 1278 of the Revised Laws of Hawaii, and to Repeal Section One (1) of the Session Laws of 1905."

Upon motion of Senator Chillingworth, seconded by Senator McCarthy, the Bill was referred to the Committee on Ways and Means.

A Communication (No. 37) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the Signing of Act 48 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 27, 1909.

The Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I hereby notify your Honorable Body that the Governor has this day, March 27, 1909, signed the following bill:

House Bill No. 117, Act 48, An Act to Amend Sections 1299 and 1306 of the Revised Laws of Hawaii, Relating to Stamp Duties.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 38) from A. J. Campbell, Treasurer, Territory of Hawaii, replying to Senate Resolution No. 45, was read by the Clerk as follows:

SENATE JOURNAL.

OFFICE OF THE TREASURER,

Territory of Hawaii.

Executive Building.

Honolulu, T. H., March 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to acknowledge receipt of a communication from the Clerk of the Senate, notifying me of the adoption of a resolution by your Honorable Body with reference to lobbying by employees of the different departments, and to state that all the employees of this department have been directed to comply with the conditions of the resolution.

Respectfully yours,

A. J. CAMPBELL,
Treasurer, Territory of Hawaii.

The Communication was ordered received and placed on file.

Senator Robinson gave five days' notice to consider the Message (No. 2) of the Governor relative to appointments subject to confirmation.

Senator Chillingworth moved that Senate Bill No. 8 be considered in Committee of the Whole on Wednesday, March 31st, 1909, at 2 o'clock in the afternoon. Seconded by Senator Quinn and carried.

At 11:50 o'clock, upon motion of Senator Quinn, seconded by Senator Fairchild, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-FOURTH DAY.

Monday, March 29th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Chillingworth absent.

The Journal of the Thirty-third Day was read and, upon motion of Senator Harvey, seconded by Senator Coelho, approved as read.

A Communication (No. 139) from the House of Representatives, transmitting House Bill No. 91, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 91, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 91 entitled "An Act to Authorize the Deposit of Territorial Moneys in Banks in this Territory."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

A Communication (No. 140) from the House of Representatives, transmitting House Bill No. 163, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 163,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 163 entitled "An Act Re-
lating to Clerks, Stenographers, Bailiffs, Librarians and Mes-
sengers of the Supreme and Circuit Courts and Repealing
Chapter 115 (Section 1680 to 1692 inclusive) and Section 1886
of the Revised Laws and Repealing Act 54 of the Session
Laws of 1907"

The Bill was read by title and, upon motion of Senator
Knudsen, seconded by Senator Coelho, passed First Reading.

A Communication (No. 141) from the House of Representa-
tives, transmitting House Bill No. 164, was read by the Clerk
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 164,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 164 entitled "An Act to Provide for the Examination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine such persons and defining their duties."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

A Communication (No. 142) from the House of Representatives, informing the Senate of its sustaining the Veto of the Governor on House Bill No. 136, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the Veto of the Governor on House Bill No. 136, entitled "An Act to Amend Section 1278 of the Revised Laws, as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax" was this day sustained by the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 57) from John W. Gilmore, President of the College of Hawaii, extending an invitation to visit the College of Hawaii, was read by the Clerk as follows:

THE COLLEGE OF HAWAII.

Honolulu, T. H., March 27, 1909.

The Honorable W. O. Smith,
President of the Senate.

Sir:—The College of Hawaii needs financial support from the Legislature now in session for buildings and maintenance ex-

penses. We realize and appreciate the financial situation that the Territory is now facing and that the Legislators have to solve, and I feel sure that the College will receive whatever consideration, financial and otherwise the conditions may warrant. I believe that the College has a large field of service opening up before it in the way of collegiate courses, correspondence courses, and demonstration and lecture courses.

In view of these needs and opportunities and in order that the Senators may appreciate same at first hand, I would respectfully invite your honorable body to inspect the College at any time suitable to your convenience. I also hold myself in readiness to offer any information before your Committee or any individual at any time I may be called upon.

Very respectfully yours,

JOHN W. GILMORE,
President.

Upon motion of Senator Coelho, seconded by Senator Makekau, the invitation was accepted, the Committee on Education to arrange the necessary details of the visit.

Senator Baker presented a Petition (No. 58) relating to an appropriation for a New Court House and Jail at Waiohinu, Kau, as follows:

PETITION.

Waiohinu, Kau, Hawaii, T. H., March, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Your Petitioners, are residents and tax-payers in the District of Kau, hereby petition your Honorable Body to appropriate a certain sum of money enough to build up a new Court House and Jail for Waiohinu, said District of Kau, County and Territory of Hawaii.

(31 Signatures.)

The Petition was ordered referred to the Committee on Ways and Means.

Senator Baker presented a Petition (No. 59) relating to an Appropriation to Complete the Belt Road between Keamuku and Volcano House, as follows:

PETITION.

Waiohinu, Kau, Hawaii, T. H., March, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Your petitioners hereby petition your Honorable Body to appropriate a certain sum of money to complete the last link of the belt road in the Island of Hawaii, which lies between Keamuku and the Volcano House in Kau, a distance of about 5 miles, County and Territory of Hawaii.

(33 Signatures.)

The Petition was ordered referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Senator Baker presented a Petition (No. 60) from residents of Kona, Hawaii, relating to an Appropriation for the Erection of a Four Room School House at Napoopoo, as follows:

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

We, the undersigned, school tax-payers and also parents and guardians of school children attending at the Napoopoo school, for the convenience of the school children who are living at Kealakekua mauka, Kzbaulou mauka and Keei mauka, do hereby pray and petition your Honorable Body, to appropriate a certain sum of money enough to build and construct a new 4-room school house for the Napoopoo School somewhere about midway between mauka and Napoopoo beach in the District of South Kona, County and Territory of Hawaii.

(34 Signatures.)

The Petition was ordered referred to the Committee on Education.

Senator Baker presented a Petition (No. 61) relating to an Appropriation for a New Wharf and Wharf Shed at Napoopoo, Kona, Hawaii, as follows:

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

We, the undersigned, citizens of the United States of America residing in the neighborhood of the Napoopoo Landing, also tax-payers in the District of South Kona, County and Territory of Hawaii, do hereby pray and petition your Honorable Body to appropriate a certain sum of money enough to build and construct a new wharf and wharf shed at the said Napoopoo Landing in the said District of South Kona.

(37 Signatures.)

The Petition was ordered referred to the Committee on Ways and Means.

Senator Coelho presented a Petition (No. 62) from 25 women residing at Kaunakakai, Molokai, praying for certain legislation, as follows:

A meeting was held at Kaunakakai, Molokai, by the women for the benefit of the public at large, on March 27, 1909.

The meeting was opened with prayer.

SUBJECTS:

(a) The Government Lands should be opened and divided up among the American citizens; and only one payment, instead of paying a little at a time, while the interest accumulates.

(b) The law assessing the canoes of the citizens be abolished, except the canoes of the Asiatic.

(c) Abolish the laws pertaining to suspects.

(d) The citizens should be allowed to catch little fishes for eating, except selling.

(e) The government should possess the Kaunakakai Landing.

(f) Abolish the putting up of the government road work to the highest bidder, as the citizens cannot afford to put up bonds, and therefore it ought to be done by daily laborers.

(g) Enact a law prohibiting married men from using intoxicants, so they can provide for their wives and children.

(h) To strictly prohibit the inter-marriage of the Hawaiian young men and young ladies to other nationalities, but only to their race so as to increase the population of the Hawaiian people.

(i) To strictly prohibit the buying of government lands by other nationalities, except they be American citizens or eligible to become such.

(j) Permit should be allowed to the young men and young ladies who have attained the age of fifteen years to continue attending schools, if their parents are poor and are unable to send their children for higher education.

(k) Permit should be given to the Molekai Ranch to run the water pipes on the kuleana lands belonging to the citizens; or else to have a pumping station installed for the benefit of the public at Kaunakakai, Molekai.

We, the undersigned, do humbly pray.

(35 Signatures.)

The Petition was ordered referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

The Senate proceeded under the head of the Order of the Day with the consideration of the Message (No. 11) of the Governor vetoing House Bill No. 17.

Upon motion of Senator McCarthy, seconded by Senator Coelho, action was deferred until Wednesday morning, March 31st, 1909, at 11 o'clock.

Third Reading of Senate Bill No. 83 entitled "An Act to Establish a Law Uniform with the Laws of other States and Territories for the Acknowledgment and Execution of Written Instruments."

Senator Knudsen moved to amend the title by striking out the words "to establish a Law Uniform with the Laws of other States and Territories for" and inserting in lieu thereof the words "relating to". Seconded by Senator Fairchild and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—1.

The Senate proceeded with the consideration of Senate Resolution No. 44.

Upon motion of Senator Robinson, seconded by Senator Coelho, action on the Resolution was deferred until Senator Chillingworth, the introducer of the Resolution, was present.

Third Reading of House Bill No. 53 entitled "An Act to

Amend Section 2 of Chapter 2 of the Revised Laws of Hawaii."

Senator Makekau moved to insert the words "of the Territory of Hawaii" after the word "newspapers" in line 6 of Section 1. Seconded by Senator Woods, and carried.

Senator Makekau moved that the Bill pass Third Reading as amended. Seconded by Senator Woods.

Senator Robinson moved that the Bill be laid on the table. Seconded by Senator Fairchild.

The motion to lay the Bill on the table was then put and lost.

The Bill failed to pass on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Kalama, Knudsen, Makekau and Woods—7.

Noes: Senators Fairchild, Harvey, McCarthy, Moore, Quinn, Robinson and Mr. President—7.

Not Present: Senator Chillingworth—1.

Third Reading of Senate Bill No. 105 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the County Governments of East and West Hawaii created by virtue of Act 31 of the Session Laws of 1903."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senator Chillingworth—1.

Excused from Voting: Senator Makekau—1.

Third Reading of Senate Bill No. 110 entitled "An Act to Encourage Diversified Industries."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—1.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 165) of the Committee on Judiciary on Senate Bill No. 118, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 29, 1909.

The Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 118, entitled "An Act to Amend Section 3032 of the Revised Laws of Hawaii," introduced by Senator H. T. Moore, begs leave to report that it has had the same under careful consideration and would report as follows:

The object of this Bill is to prevent persons from wearing the Badges of various Organizations unless entitled so to do.

The object is a good one as persons who do so generally are attempting to defraud some regular member.

We recommend the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 118 entitled "An Act to Amend Section 3032 of the Revised Laws of Hawaii."

Senator Moore moved that the Bill pass Second Reading. Seconded by Senator Knudsen and carried.

At 10:53 o'clock, upon motion of Senator Robinson, seconded by Senator Coelho, the Senate took a recess until 2 o'clock.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 143) from the House of Representatives, transmitting House Bill No. 138, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 29, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 138, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 138 entitled "An Act Prohibiting the Sale of Certain Iced Fish."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Woods, passed First Reading.

A Communication (No. 144) from the House of Representatives, returning Senate Bill No. 48, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 29, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to return herewith Senate Bill No. 48, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii, with the following amendments:

Amend the title of said Bill to read as follows:

"An Act to Repeal Section 259 and to Amend Section 260 of the Revised Laws of Hawaii, Relating to Covenants for Renewal at Auction of Certain Government Leases."

Insert a new section after Section 1, to be known as Section 2 and to read as follows:

“Section 2. Amend Section 260 of said Revised Laws by striking out the word ‘sections’, and insert in lieu thereof the word ‘section’; also strike out the figures ‘259’ in line two of said Section.”

Renumber “Section 2”, “Section 3.”

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Upon motion of Senator McCarthy, seconded by Senator Brown, Senate Bill No. 48 was referred to the Committee on Judiciary.

The Senate proceeded with the consideration of Senate Resolution No. 44.

Senator McCarthy moved that the Senate do not adopt the Resolution. Seconded by Senator Woods.

The President here called the Vice-President to the Chair.

Senator Chillingworth moved to strike out the word “newspaper” in line 1. Seconded by Senator Smith.

Senator Quinn moved that the Resolution be Indefinitely postponed. Seconded by Senator Coelho and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, McCarthy, Moore, Quinn, Robinson and Woods—9.

Noes: Senators Chillingworth, Kalama, Knudsen, Makekau and Mr. President—5.

Not Present: Senator Fairchild—1.

At 2:32 o'clock, upon motion of Senator Coelho, seconded by Senator Harvey, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-FIFTH DAY.

Tuesday, March 30th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Fairchild (excused) absent.

The Journal of the Thirty-fourth Day was read and, upon motion of Senator Robinson, seconded by Senator Harvey, approved as read.

Senator Robinson presented the Report (No. 166) of the Committee on Education on Senate Petitions Nos. 53 and 60, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30, 1909.

The Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Education to whom was referred Senate Petitions No. 53, (35 signatures), and No. 60, (34 signatures), relating to an "Appropriation for new four-room school house at Napoopoo, South Kona", begs leave to report that it has had the same under careful consideration.

As a resolution has been introduced on the same subject, your Committee recommends that the petitions be laid on the table to be considered with the Appropriation Bill.

Respectfully submitted,

W. T. ROBINSON,

Chairman;

ERIC A. KNUDSEN,

C. J. McCARTHY.

Upon motion of Senator McCarthy, seconded by Senator Chillingworth, the Report of the Committee was adopted.

Senator Robinson presented the Report (No. 167) of the Committee on Education on Senate Resolution No. 43, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30, 1909.

The Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Education to whom Senate Resolution No. 43 was referred, asking for an appropriation of \$1,000.00 for school house at Kahaulea, Puna, Hawaii, begs leave to report that it has had the same under careful consideration and recommends the same be laid on the table to be considered with the Appropriation Bill.

Respectfully submitted,

W. T. ROBINSON,
Chairman;
ERIC A. KNUDSEN,
C. J. McCARTHY.

The Report of the Committee was adopted.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 122 entitled "An Act to Amend Section 1223 of the Revised Laws, as Amended by Act 77, Session Laws of 1907, Relating to the Exemption from Taxation of Property used in Certain Industries."

Senator Baker moved to strike out the words "nor to more than forty acres of land under the same ownership" in line 13 of Section 1 and insert in lieu thereof the words "and provided further that no part of the land so owned and used by any one person, firm or corporation in excess of forty acres shall be exempt from property tax by reason of the fact that such land has been sub-leased or cultivated under contract." Seconded by Senator Coelho and carried.

Senator Baker moved that the Bill pass Second Reading as amended. Seconded by Senator Coelho and carried.

Third Reading of Senate Bill No. 118 entitled "An Act to Amend Section 3032 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Fairchild—1.

Second Reading of House Bill No. 91 entitled "An Act to Authorize the Deposit of Territorial Moneys in Banks in this Territory."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 138 entitled "An Act Prohibiting the Sale of Certain Iced Fish."

Referred to the Committee on Public Health.

Second Reading of House Bill No. 163 entitled "An Act Relative to Clerks, Stenographers, Bailiffs, Librarians and Messengers of the Supreme and Circuit Courts and Repealing Chapter 115 (Sections 1680 to 1692 inclusive) and Section 1886 of the Revised Laws and Repealing Act 54 of the Session Laws of 1907."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 164 entitled "An Act to Provide for the Examination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine such Persons and Defining their duties."

Referred to the Committee on Public Health.

At 10:20 o'clock the Senate resolved itself into Committee of the Whole for the consideration of House Bill No. 99 entitled "An Act to Amend Section 13 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to Deputy Sheriffs," on Second Reading, Senator Makekau in the Chair.

At 10:26 o'clock the Senate came to order, Senator Makekau, for the Committee of the Whole, reporting consideration of House Bill No. 99 and recommending its passage on Second Reading.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Report of the Committee was adopted.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 168) of the Committee on Judiciary on Senate Bill No. 119 as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30, 1909.

The Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 119, entitled "An Act to Amend Subdivision 3 of Section 125 of the Revised Laws of Hawaii," introduced by Senator R. H. Makekau, begs leave to report that it has had the

same under careful consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. OHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 119 entitled "An Act to Amend Subdivision 3 of Section 125 of Chapter 14 of the Revised Laws of Hawaii."

Senator Makekau moved to insert the words "(lines 10, 11 and 12)" after the words "Subdivision 3" in the title and in line 1 of Section 1. Seconded by Senator Knudsen and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator Moore and carried.

Senator Knudsen presented the Report (No. 169) of the Committee on Judiciary on House Bill No. 144, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30, 1909.

The Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 144, entitled "An Act to Provide for the Acquisition of Land and Other Property for Public Purposes," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of the Bill is to allow the Government to sell at auction lands which they would otherwise have to exchange at appraised values.

Appraised values are sometimes very faulty and lands have been sold shortly after exchange for several times their appraised value, showing a great loss to the Territory.

We recommend the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 144 entitled "An Act to Provide for the Acquisition of Land and other Property for Public Purposes."

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Bill passed Second Reading.

Senator Knudsen presented the Report (No. 170) of the Committee on Judiciary on House Bill No. 35, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30, 1909.

The Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 35, entitled "An Act to Amend Section 1 of Act 98, Session Laws of 1907, 'To Designate the Pay of Laborers Engaged in Constructing or Repairing Roads, Bridges or Streets, Water Works or other Works for the Territory of Hawaii,'" begs leave to report that it has had the same under careful consideration, and would recommend the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

I do not concur,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 35 entitled "An Act to Amend Section 1 of Act 98, Session Laws of 1907, 'To Designate the pay of Laborers engaged in Constructing or Repairing Roads, Bridges or Streets, Water Works or other Works for the Territory of Hawaii.'"

Senator McCarthy moved to add the words "or for any political subdivision thereof" after the words "Territory of Hawaii" in the title and in line 6 of Section 1. Seconded by Senator Coelho and carried.

Senator Makekau moved that the Bill be laid on the table. Seconded by Senator Woods and lost on the following showing of Ayes and Noes:

Ayes: Senators Kalama, Makekau, Woods and Mr. President—4.

Noes: Senators Baker, Brown, Coelho, Harvey, Knudsen, McCarthy, Moore, Quinn and Robinson—9.

Not Present: Senators Chillingworth and Fairchild.

Senator McCarthy moved that the Bill pass Second Reading as amended. Seconded by Senator Harvey and carried.

Senator Knudsen presented the Report (No. 171) of the Committee on Judiciary on Senate Bill No. 48, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 48, entitled "An Act to Repeal Section 259 of the Revised Laws, Relating to Covenants for Renewal at Auction of Certain Government Leases," as amended by the House of Representatives, begs leave to report that it has had the same under careful consideration.

Your Committee is of the opinion that the amendments made to the Bill by the House of Representatives are proper, and therefore recommends that the Senate concur in the amendments.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Woods; the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Fairchild—1.

Senator Knudsen presented the Report (No. 172) of the Committee on Judiciary on House Bill No. 127, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 127, entitled "An Act to Provide for the Disposition of Funds received upon Sale of Certain Public Lands," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of this Bill is to protect purchasers of Public Land who fail to carry out the provisions of Purchase and to Provide how they shall be repaid; thus doing away with the necessity of Special Acts of the Legislature to repay.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 127 entitled "An Act to Provide for the Disposition of Funds Received upon Sale of Certain Public Lands."

Upon motion of Senator Knudsen, seconded by Senator Chillingworth, the Bill passed Second Reading.

Senator Knudsen presented the Report (No. 173) of the Committee on Judiciary on House Bill No. 100, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred

House Bill No. 100, entitled "An Act to Amend Act 84 of the Session Laws of 1905, Relating to Attachments," begs leave to report that it has had the same under careful consideration and would report as follows:

The object of this Bill is to prevent frivolous attachments, and your Committee recommends its passage.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 100 entitled "An Act to Amend Act 84 of the Session Laws of 1905, Relating to Attachments."

Senator Coelho moved that the Bill pass Second Reading, and that the Clerk be instructed to have typewritten copies furnished the Members. Seconded by Senator Knudsen and carried.

At 11:17 o'clock Senator Coelho moved to take a recess until 1:45 o'clock. Seconded by Senator Brown and carried.

AFTERNOON SESSION.

The Senate reconvened at 1:45 o'clock.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 174) of the Committee on Judiciary on House Bill No. 152, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 30th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 152, entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of this Bill, as stated in its title, is to protect purchasers of real estate from fraudulent conveyances, and your Committee would recommend its passage with the following amendment:

Strike out the words "for not less than one year and" in lines 7 and 8 of Section 1.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 152 entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances."

Senator Knudsen moved to insert the words "by imprisonment" after the words "punished" in line 7 of Section 1 and to strike out the words "for not less than one year and" in lines 7 and 8 of Section 1. Seconded by Senator Quinn and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator Quinn and carried.

A Communication (No. 145) from the House of Representatives, transmitting House Bill No. 3, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 30, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 3, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 3 entitled "An Act to Amend Section 1278 of the Revised Laws as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Coelho, passed First Reading.

A Communication (No. 146) from the House of Representatives, informing the Senate of its sustaining the Veto of the Governor on House Bill No. 17, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 30, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the veto of the Governor on House Bill No. 17 was this day sustained by the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 147) from the House of Representatives, returning Senate Bill No. 77, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 30, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 77, which

this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 148) from the House of Representatives, returning Senate Bill No. 78, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 30, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 78, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 149) from the House of Representatives, transmitting House Bill No. 107, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 30, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 107,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 107 entitled "An Act to Provide for the Use of Air Brakes on Street Cars in the Territory of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading.

A Communication (No. 150) from the House of Representatives, transmitting House Bill No. 173, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 30, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 173, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 173 entitled "An Act to Authorize Public Accountants to Deposit Territorial Moneys in Banks."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading.

At 1:54 o'clock, upon motion of Senator Coelho, seconded by Senator McCarthy, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-SIXTH DAY.

Wednesday, March 31st, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chanlain, the Roll was called showing Senators Chillingworth and Quinn absent.

The Journal of the Thirty-Fifth Day was read and, upon motion of Senator Woods, seconded by Senator Kalama, approved as read.

A Communication (No. 39) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 49 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., March 30, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—It gives me pleasure to inform your Honorable Body that the Governor has this day, March 30, 1909, signed the following Bill:

Senate Bill No. 92, Act 49, An Act to Amend Section 4 of Act 23 of the Session Laws of 1905, Relating to the Filing of Plans of Land in the Office of the Registrar of Conveyances, and to Add a New Section to Said Act to be Known as Section 4A.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 151) from the House of Representatives, transmitting House Bill No. 143, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 30, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 143, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 143 entitled "An Act to Provide for the Establishment and Maintenance of the Library of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading.

Senator Coelho presented a Petition (No. 63) from women residing at Kaunakakai, Molokai, praying for certain legislation, as follows:

A meeting was held at Kaunakakai, Molokai, by the women for the benefit of the public at large, on March 27, 1909.

The meeting was opened with prayer.

SUBJECTS.

(a) The Government Lands should be opened and divided up among the American citizens, and only one payment, instead of paying a little at a time, while the interest accumulates.

(b) The law assessing the canoes of the citizens should be abolished, except the canoes of the Asiatics.

(c) Abolish the laws pertaining to suspects.

(d) The citizens should be allowed to catch little fishes for eating, except selling.

(e) The Government should possess the Kaunakakai Landing.

(f) Abolish the putting up of the government road work to the highest bidder, as the citizens cannot afford to put up bonds, and therefore it ought to be done by daily laborers.

(g) Enact a law prohibiting married men from using intoxicants, so they can provide for their wives and children.

(h) To strictly prohibit the inter-marriage of the Hawaiian young men and young ladies to other nationalities; but only to their race so as to increase the population of the Hawaiian people.

(i) To strictly prohibit the buying of Government lands by other nationalities, except they be American citizens or eligible to become such.

(j) Permit should be allowed to the young men and young ladies who have attained the age of fifteen years to continue attending schools, if their parents are poor and are unable to send their children for higher education.

(k) Permit should be given to the Molokai Ranch to run its water pipes on the kuleana lands belonging to the citizens, or else to have a pumping station installed for the benefit of the public at Kaunakakai, Molokai.

We, the undersigned, do humbly pray.

(35 Signatures.)

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Petition was referred to the Committee on Judiciary.

Senator Knudsen presented the Report (No. 175) of the Committee on Judiciary on Senate Bill No. 79, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 27th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 79, entitled "An Act to Provide for Appeals by the Territory of Hawaii in Criminal Cases in Certain Instances, Adding a New Section to Chapter 123 of the Revised Laws of Hawaii to be known as Section 1858A," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to give the Territory the right of appeal in certain criminal cases and follows the Federal Statutes of 1907, except that the Defendant may be let out on his own recognizance pending an appeal.

Under the old law the Territory had no appeal and this is unjust to the people of the Territory, whereas the Defendants

in Criminal Cases have too many technical advantages and grounds for indefinite delays.

No criminal should escape through technicalities, so while the rights of the Defendant should be carefully guarded, the Legislature has a duty to also guard the interests of the people as a whole.

As the law now stands there are as many rulings of law in favor of criminals as there are Circuit Judges, and there is no way to settle these by a final decision of the Supreme Court.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

I do not concur,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 119 entitled "An Act to Amend Subdivision 3 (lines 10, 11 and 12) of Section 125 of Chapter 14 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Chillingworth and Quinn—2.

Third Reading of Senate Bill No. 122 entitled "An Act to Amend Section 1223 of the Revised Laws, as Amended by Act 77, Session Laws of 1907, Relating to the Exemption from Taxation of Property used in certain Industries."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Chillingworth and Quinn—2.

Third Reading of House Bill No. 35 entitled "An Act to Amend Section 1 of Act 98, Session Laws of 1907, 'To Desig-

nate the Pay of Laborers engaged in Constructing or Repairing Roads, Bridges or Streets, Water Works or other Works for the Territory of Hawaii, or for any Political Subdivision thereof?"

Senator Fairchild moved that action on the Bill be deferred until Monday, April 5th, 1909. Seconded by Senator Woods.

Senator Makekau moved as an amendment that the Bill be referred to the Committee on Ways and Means. Senator Fairchild accepted the amendment which was lost.

Senator Woods moved that further action on the Bill be deferred until Wednesday, April 7th, 1909. Seconded by Senator Fairchild.

Senator Harvey moved that the Bill pass Third Reading. Seconded by Senator McCarthy.

The motion to defer action on the Bill until Wednesday, April 7th, 1909, was then put and lost.

Senator Moore moved that further action on the Bill be deferred until Friday, April 2nd, 1909. Seconded by Senator McCarthy and carried.

Third Reading of House Bill No. 99 entitled "An Act to Amend Section 13 of Act 39 of the Session Laws of 1905, as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to Deputy Sheriffs."

Senator Baker moved that the Bill be Indefinitely Postponed. Seconded by Senator Coelho.

Senator McCarthy moved to strike out the words "by and with the approval of the Board of Supervisors" in lines 6 and 7 of Section 1. Seconded by Senator Fairchild and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Chillingworth, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—12.

Noes: Senators Baker, Brown and Coelho—3.

At 11 o'clock the Senate proceeded with the consideration of House Bill No. 17 on the Veto of the Governor.

The Bill failed to pass on the Veto of the Governor on the following showing of Ayes and Noes:

Ayes: Senator Woods—1.

Noes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Mr. President—14.

Third Reading of House Bill No. 100 entitled "An Act to Amend Act 84 of the Session Laws of 1905, Relating to Attachments."

Senator Knudsen moved to insert the words "by the" between the words "given" and "plaintiff" in line 10 of Section 3. Seconded by Senator Chillingworth and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 127 entitled "An Act to Provide for the Disposition of Funds Received upon Sale of Certain Public Lands."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: Senator Brown—1.

Third Reading of House Bill No. 144 entitled "An Act to Provide for the Acquisition of Land and Other Property for Public Purposes."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 152 entitled "An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 3 entitled "An Act to Amend Section 1278 of the Revised Laws as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 107 entitled "An Act to Provide for the Use of Air Brakes on Street Cars in the Territory of Hawaii."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 173 entitled "An Act to Authorize Public Accountants to Deposit Territorial Moneys in Banks."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 79 entitled "An Act to

Provide for Appeals by the Territory of Hawaii in Criminal Cases in Certain Instances, Adding a New Section to Chapter 123 of the Revised Laws of Hawaii to be known as Section 1858A."

Senator McCarthy moved that the Bill be Indefinitely Postponed. Seconded by Senator Coelho.

The President here called the Vice-President to the Chair.

Senator Smith moved that the Bill pass Second Reading.

Senator Robinson moved as an amendment that further consideration of the Bill be deferred until Friday, April 2nd, 1909. Senator Smith accepted the amendment which carried.

A Communication (No. 152) from the House of Representatives, transmitting House Bill No. 159, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 159, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 159 entitled "An Act for the Relief of the Volcano Stables and Transportation Company, Limited."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Harvey, passed First Reading.

A Communication (No. 153) from the House of Representatives, transmitting House Bill No. 166, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 166, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 166 entitled "An Act Authorizing the Expenditure of Ten Thousand Dollars for the Purpose of Erecting a Statue to the Memory of Kamehameha III)."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Fairchild, passed First Reading.

Under suspension of the Rules, Senator Fairchild presented the Report (No. 176) of the Committee on Ways and Means on Senate Bill No. 106, as follows:

SENATE CHAMBER,

March 31, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means to whom was referred Senate Bill No. 106 begs leave to report that it has had the same under careful consideration and finds:

The Bill as submitted, is the result of the investigations made by your Committee pursuant to Communication No. 2 from the Auditor of the Territory submitting claims filed in his office in accordance with the provisions of Senate Resolution 45 adopted May 1, 1907.

The Bill seeks to provide for the payment of the "unpaid claims against the Territory of Hawaii for services and materials supplied during the period from the 4th to the 14th day of January, 1904," which were, through a misunderstanding, not presented in time to be paid out of the regular appropriation for the Pay of Police and General Maintenance and Support of Prisoners for the period during which such appropriation was effective.

On investigation, the Committee found that the Police, Jailors, Guards and all items or charges against the Support and Maintenance of the Prisoners on Oahu and Kauai, during the period aforesaid, were paid out of the appropriation for the six months ending June 30, 1904, and the Hawaii, Maui and Molokai Police are not yet paid for their services for the time above stated.

Your Committee therefore recommends the passage of the Bill with the following amendments:

1.—Strike out the words "Sheriff" and "Deputy Sheriff" in lines 8, 10, 11 and 12.

2.—Insert the word "Maui" after the word "Police" in line 22, and insert the word "Hawaii" after the word "Department" in line 53.

3.—Strike out the words "per Wm. White" in lines 23, 24, 25, 26 and 27, also strike out the figures "\$94.90, \$150.10, \$103.40, \$61.65 and \$360.00" and in lieu thereof insert the following:

1.—In Line 23:

PAY OF POLICE, MAKAWAO, MAUI.

B. Hokoana.	\$13.35
Lei Kaua.	11.65
O. Kupanahi.	11.65
Obed K. Kikala.	11.65
N. Kamakau.	11.65
M. P. Kalei.	11.65
John Fuller.	11.65
Ben P. Manoanoa.	11.65
	<hr/> \$ 94.90

2.—In Line 24:

PAY OF POLICE, LAHAINA, MAUI.

D. Kuamu.	\$20.00
Moses Kauhaahaa.	13.35
P. Kahukauila.	13.25

Isaac Waihoiozhu.	11.65
Wm. Kauwenaole.	13.35
Noah Kahaaku.	13.35
Jno. Adams.	13.35
Johr Keao.	10.00
Haili Keahi.	8.35
A. K. Shaw.	6.65
Manuia Kckai.	13.35
Jno. Richardson.	13.35
	<hr/> \$150.10

3.—In Line 25:

PAY OF POLICE, HANA, MAUI.

G. W. K. Kauimakaole.	\$13.35
S. K. Huewaa.	11.65
M. Kahunaolaole.	10.00
J. H. Hanuna.	10.00
Jos. Halemano.	10.00
S. K. Kaailua.	8.35
Kaiwi.	8.35
J. W. Naehu.	8.35
J. M. Koko.	13.35
B. Malulu.	10.00
	<hr/> \$103.40

4.—In Line 26:

PAY OF POLICE, MOLOKAI.

A. Poaha.	\$11.65
J. Kamai.	10.00
A. Pauole.	10.00
J. K. Kaulili.	10.00
Nakeleawe.	10.00
Pali Pahupu.	10.00
	<hr/> \$ 61.65

5.—In Line 27:

PAY OF POLICE, WAILUKU, MAUI.

Guy Goodness.	\$25.00
M. Faustino.	16.65
Wm. Mahu.	16.65
S. Kahale.	13.35
Kainea Kanikanihia.	13.35
J. B. Abbey.	13.35
Manuel Cadoz.	13.35

Sam Kaleo.	13.35
Beningo Reyes.	13.35
Wm. Kaiae.	13.35
Kalani Kalua.	13.35
Moses Makaiwi.	10.00
S. K. Kanakaokai.	8.35
D. K. Kaialilili.	11.65
W. J. Kamiki.	15.00
Kaili Halama.	15.00
M. Kahalekulu.	13.35
Dan Quill.	4.50
Harry Copp.	5.00
D. Uwekoolani.	8.35
Jos. F. Welch.	20.00
Sam Puaaloa.	16.65
M. K. Papu.	15.00
Honuakaha.	15.00
Mannuel Dutro.	20.00
Wm. Kukona.	16.65
	———— \$359.60

4.—Reduce items 45, 46, 47, 48 and 76 to “\$10.16, \$7.24, \$7.24, \$7.24 and \$8.70.”

5.—Strike out items 74, 87, 91, 113, 115, 120, 124, 127, 128, 129, 131, 132, 135, 136, 137, 138, 139, 140, also strike out line 134.

6.—Change item 114 to read “Kaiolani Kaupiko.”

7.—Strike out the words and figures “Two Thousand Two Hundred and Ninety Dollars and Seventy-two Cents (\$2,290.72)” and insert in lieu thereof:

“Two Thousand and Eight Dollars and Seventy-five Cents, (\$2,008.75)”.

8.—Change totals lines 50, 52, 78, 91, 116, 124 and 132—“\$51.83, \$1,144.36, \$445.99, \$37.09, \$85.46, \$49.97, \$9.67.”

9.—Insert total of Hawaii items, line 145, “\$864.39.”

10.—Add to the end of Section 2, the following: “Provided the same have been certified to by the respective Sheriffs under whom the services were rendered.”

11.—Insert after the word “heir” line 3, Section 3, the words “or heirs.”

Strike out the word “or” after the word “widow” line 3 of the same section; and insert after the word “law” the

words "or guardian or person responsible for the care, support and maintenance of such heir or heirs."

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
E. W. QUINN,
H. T. MOORE,
JOHN T. BROWN.

The Report of the Committee was laid on the table to be considered with the Bill.

At 12 o'clock Senator Fairchild moved to take a recess until 2 o'clock. Seconded by Senator Coelho and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Senator Chillingworth moved that action on Senate Bill No. 8 be deferred until Tuesday, April 6th, 1909, to be considered in Committee of the Whole. Seconded by Senator Coelho and carried.

A Communication (No. 154) from the House of Representatives, transmitting House Bill No. 157, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 157, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 157 entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii, Relating to Public Shows."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

Second Reading of Senate Bill No. 106 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims against the Territory of Hawaii for Services and Materials supplied during the Period from the 4th to the 14th day of January, 1904."

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Report of the Committee on the Bill was adopted.

Under suspension of the Rules, Senator Knudsen gave notice of intention to introduce a Bill entitled "An Act Relating to Accounts of Executors and Administrators, Adding a New Section to be known as Section 1851A to the Revised Laws."

Senator Knudsen introduced a Bill (S. B. No. 124) entitled "An Act Relating to Accounts of Executors and Administrators, Adding a New Section to be known as Section 1851A to the Revised Laws."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

A Communication (No. 64) from Emil A. Berndt, Secretary Merchants' Association of Honolulu, transmitting Resolution adopted against the adoption of House Concurrent Resolution No. 17, was read by the Clerk as follows:

MERCHANTS' ASSOCIATION OF HONOLULU,

McCandless Building.

Honolulu, T. H., March 31, 1909.

Honorable W. O. Smith,
President of the Senate,
Territory of Hawaii.

Dear Sir:—Herewith enclosed please find copy of the Resolution unanimously passed at a special meeting of the Directors of the Merchants' Association of Honolulu, held March 25, 1909.

The Resolution is not only the expression of the Association, but of the greater part of the community as well.

Very respectfully,

EMIL A. BERNDT,
Secretary, Merchants' Association of Honolulu.

"WHEREAS, a Concurrent Resolution having been introduced at the present Session of the Legislature, recommending that a memorial be presented to the Congress of the United States asking that an amendment be made to the Organic Act, providing for Annual Sessions of the Legislature instead of Biennial, as at present:

"THEREFORE, BE IT RESOLVED, that the Merchants' Association of Honolulu place itself on record as being opposed to the proposed change in the Organic Act.

"RESOLVED, that copies of this Resolution be sent to the President of the Senate and the Speaker of the House of Representatives, of the Territory of Hawaii."

The Communication was ordered received and placed on file. A Communication (No. 155) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 152, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 152.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
At 2:14 o'clock upon motion of Senator Robinson, seconded by Senator Brown, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-SEVENTH DAY.

Thursday, April 1st, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Thirty-sixth Day was read and, upon motion of Senator Robinson, seconded by Senator Woods, approved as read.

A Communication (No. 40) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 50 and 51 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., April 1, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to inform your Honorable Body that the Governor on March 31, 1909, signed the following Bills:

House Bill No. 120, Act 50, An Act Declaring and Designating a Certain Tract of Land at Makaoku, Waiakea, Hilo, Hawaii, as a Public Park;

House Bill No. 96, Act 51, An Act Declaring and Designating a Certain Tract of Land at Hilo, Hawaii, as a Public Park.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. Senator Knudsen presented the Report (No. 177) of the Committee on Judiciary on House Bill No. 125, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 31st, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 125 entitled "An Act to Amend Act 118 of the Session Laws of 1907 of the Territory of Hawaii, entitled 'An Act Incorporating the City and County of Honolulu,'" begs leave to report that it has had the same under careful consideration.

The object of the Bill is to make various amendments to the Municipal Act. The Bill is legal as far as it goes but as the Bill only affects the City and County of Honolulu, your Committee is unable to make any recommendations as to the propriety of passing it, and therefore recommends that the Bill be considered in Committee of the Whole on Monday, April 5th, 1909, at 2 p. m.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Coelho moved to adopt the Report of the Committee with the amendment that consideration of the Bill be deferred until Monday, April 12th, 1909, at 2 p. m. Seconded by Senator Woods.

Senator Fairchild moved to adopt the Report of the Committee on the Bill. Seconded by Senator Chillingworth.

The motion to defer until Monday, April 12th, 1909, at 2 p. m. being put carried.

The Report of the Committee, upon motion of Senator Makekau, seconded by Senator Coelho, was adopted as amended.

Senator Knudsen reported verbally for the Committee on Judiciary on Senate Bill No. 95 that the Committee could not agree on the Bill and asked leave to return same to the Senate. Granted.

Upon motion of Senator McCarthy, seconded by Senator Coelho, the Bill was ordered placed on the Order of the Day.

Senator McCarthy gave notice of intention to introduce a Bill entitled "An Act to Amend Section 553 of the Revised Laws Relating to the Honolulu Water Works."

Under suspension of the Rules, Senator McCarthy introduced a Bill (S. B. No. 125) entitled "An Act to Amend Section 553 of the Revised Laws Relating to the Honolulu Water Works."

The Bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Knudsen, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Permit Poor Persons to Prosecute Civil Actions in Forma Pauperis."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 126) entitled "An Act to Permit Poor Persons to Prosecute Civil Actions in Forma Pauperis."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the consideration of House Concurrent Resolution No. 17 under the head of the Order of the Day.

Senator McCarthy moved that the Resolution be Indefinitely Postponed. Seconded by Senator Robinson.

Senator Coelho moved that the Resolution be recommitted to the Committee on Judiciary. Seconded by Senator Makekau.

The motion to Indefinitely Postpone was withdrawn by Senator McCarthy.

The President here called the Vice-President to the Chair.

Senator Smith moved that the Resolution be Indefinitely Postponed. Seconded by Senator Fairchild.

The motion to recommit to the Committee on Judiciary was withdrawn and the motion of Senator Smith to Indefinitely Postpone, being put, carried.

Third Reading of Senate Bill No. 106 entitled "An Act to Appropriate Money for the Purpose of Paying the Unpaid Claims Against the Territory of Hawaii for Services and Materials supplied during the Period from the 4th to the 14th day of January, 1904."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 143 entitled "An Act to Provide for the Establishment and Maintenance of the Library of Hawaii."

Referred to the Committee on Education.

Second Reading of House Bill No. 157 entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii Relating to Public Shows."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 159 entitled "An Act for the Relief of the Volcano Stables and Transportation Company, Limited."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 166 entitled "An Act Authorizing the Expenditure of the Sum of Ten Thousand Dollars for the Purpose of Erecting a Statue to the Memory of Kauikoaouli (Kamehameha III)."

Referred to the Committee on Military and Public Expenditures.

Second Reading of Senate Bill No. 95 entitled "An Act for the Relief of John A. Cummins."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Bill passed Second Reading.

A Communication (No. 156) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 100, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the

House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 100.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 157) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 99, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 99.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 41) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 52, 53 and 54 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., April 1, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—It affords me pleasure to inform your Honorable Body

that the Governor on March 31, 1909, signed the following Bills:

Senate Bill No. 48, Act 52, An Act to Repeal Section 259 and to Amend Section 260 of the Revised Laws of Hawaii, Relating to Covenants For Renewal at Auction of Certain Government Leases;

Senate Bill No. 77, Act 53, An Act to Amend Section 35 of Act 118 of the Session Laws of 1907, Relating to the Bonds of City and County Officers;

Senate Bill No. 78, Act 54, An Act to Amend Section 24 of Act 39, Session Laws of 1905, Relating to the Bonds of County Officers.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. Under suspension of the Rules, Senator Fairchild presented the Report (No. 178) of the Committee on Ways and Means on House Bill No. 38, as follows:

SENATE CHAMBER,

Honolulu, T. H., March 29, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Ways and Means to whom was referred House Bill No. 38 has had the same under due and careful consideration and begs leave to report as follows:

In the consideration of this Bill your Committee took up the provisions of Senate Bills 27 and 89 relating to licenses for merchandise and merchandise brokers and embodied the same with others suggested by merchants affected by the proposed legislation, and your Committee find: the provisions suggested by the Bills submitted are proper for enactment into law. As House Bill No. 38 is on Second Reading in the Senate, your Committee therefore recommends the tabling of Senate Bills Nos. 27 and 89; and further recommends the passage of House Bill No. 38 with the following amendments:

1. Amend title to read:

“An Act to Amend Sections 1418F, 1418G and 1418H, of Chapter 102 of the Revised Laws of Hawaii Relating to Licenses, as enacted by Act 96 of the Session Laws of 1907.”

2. Insert a new Section to read:

"Section 1. Section 1418F of Chapter 102 of the Revised Laws of Hawaii as amended by Act 96 of the Session Laws of 1907, is hereby amended so as to read as follows:

"Section 1418F. Merchandise Brokers. The annual fee for a license for the business of buying, selling, or soliciting orders for goods, wares or merchandise, on commission as broker, agent or salesman for either the owner or consignee, shall be as follows:

"If the applicant for such license has on hand stock in trade of the value of fifteen thousand (\$15,000.00) dollars or more, the fee shall be one hundred (\$100.00) dollars.

"If the applicant for such license has no stock on hand, or if his stock on hand is of the value of less than fifteen thousand (\$15,000.00) dollars, the fee shall be two hundred and fifty (\$250.00) dollars.

"Provided, however, that this Section shall not apply to any person or corporation engaged solely in inter-state commerce or employed solely by the United States.

"No license shall issue under this Section unless the application therefor be accompanied by an affidavit made by or on behalf of the applicant stating whether the applicant has on hand any stock in trade, and, if so, the actual value thereof.

"Any person who makes a wilfully false statement in such affidavit shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars.

"Any person or corporation who shall engage in the business of buying, selling, or soliciting orders for goods, wares or merchandise on commission as broker, agent or salesman for either the owner or consignee without a license as herein provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding the sum of Two Hundred and Fifty Dollars."

3. Amend Section 1 to read:

"Section 2. Section 1418G of Chapter 102 of the Revised Laws of Hawaii as enacted by Act 96 of the Session Laws of 1907, is hereby amended so as to read as follows:

"Section 1418G. Merchandise.

"Wholesale. The annual fee for a license to sell goods, wares and merchandise at wholesale shall be as follows:

"If the applicant for such license has on hand stock in trade of the value of fifteen thousand (\$15,000.00) dollars, the fee shall be one hundred (\$100.00) dollars.

"If the applicant for such license has not stock on hand, or if his stock on hand is of the value of less than fifteen

thousand (\$15,000.00) dollars, the fee shall be two hundred and fifty (\$250.00) dollars.

“Retail. The annual fee for a license to sell goods, wares and merchandise at retail shall be as follows:

“If the amount of the gross sales for the preceding twelve months, including tobacco, cigars, cigarettes, were or are estimated to be for the succeeding twelve months less than twenty-five thousand (\$25,000.00) dollars, the fee shall be twenty-five (\$25.00) dollars.

“If the amount of such sales were or are estimated to exceed twenty-five thousand (\$25,000.00) dollars, and not over fifty thousand (\$50,000.00) dollars, the fee shall be fifty (\$50.00) dollars.

“If the amount of such sales were or are estimated to exceed fifty thousand (\$50,000.00) dollars, the fee shall be one hundred (\$100.00) dollars.”

“Provided that the license fee for the sale of salt salmon, dried or fresh fish, dried or fresh squid, lobsters, crabs, shrimps or any other edible sea food, shall be two dollars.

“Such wholesale license shall entitle the holder to sell goods, wares and merchandise only to the trade. Such retail license shall entitle the holder to sell goods, wares and merchandise only to consumers.

“No license shall issue under this Section unless the application therefor be accompanied by an affidavit made by or on behalf of the applicant stating whether the applicant has on hand any stock in trade, and if so, the actual value thereof; and shall make affidavit under oath giving statements whereby the fee thereof may be determined.

“Any person who makes a wilfully false statement in such affidavit shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars.

“No person or corporation holding a merchandise license shall be permitted by virtue thereof to sell or furnish opium or any preparation thereof, any poisonous drug, alcohol, spirituous or other intoxicating liquors, cigars, cigarettes or tobacco, or any other article for the sale of which a license by law is provided and required.

“Any person or corporation who shall sell goods, wares or merchandise without a license as herein provided, or who, holding such license shall sell any article in a manner or to any person not permitted by the license held by him or it, shall be deemed guilty of a misdemeanor, and upon conviction thereof,

be fined in a sum not exceeding two hundred and fifty (\$250.00) dollars."

4. Insert a new Section to read:

"Section 3. Section 1418H of Chapter 102 of the Revised Laws of Hawaii as enacted by Act 96 of the Session Laws of 1907 is hereby amended so as to read as follows:

"Section 1418H. Peddlers. The annual fee for a license to peddle merchandise shall be fifty dollars; provided that no license be required of persons peddling dried or fresh fish, squid, fresh fruit, fresh flowers or greens for wreaths or decorative purposes, or vegetables, or fresh edible sea food of any kind whatsoever.

"A license to peddle merchandise shall authorize the holder thereof to peddle only in the County which is named in the license."

5. Amend Section 2 to read:

"Section 4. This Act shall take effect upon its approval provided that no license heretofore legally issued under said Sections 1418F, 1418G or 1418H and being still in force shall thereby be affected.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.
H. T. MOORE,
JOHN T. BROWN,
W. J. COELHO,
E. W. QUINN.

Upon motion of Senator Fairchild, seconded by Senator Brown, the Report of the Committee was referred to the Committee on Enrollment, Revision and Printing.

Senator Fairchild on behalf of the Committee on Ways and Means asked leave to return Senate Bill No. 10 to the Senate. There being no objection the Bill was returned to the Senate and, upon motion of Senator Coelho, seconded by Senator Fairchild, was laid on the table.

At 11:11 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Harvey and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 158) from the House of Representatives, transmitting House Bill No. 84, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 84,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 84 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof'."

The Bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 159) from the House of Representatives; transmitting House Bill No. 154, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 154,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 154 entitled "An Act to Further Safeguard the Taking of Property by Railroad Corporations under Power of Eminent Domain."

The Bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator Woods, passed First Reading.

A Communication (No. 160) from the House of Representatives, transmitting House Bill No. 155, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 155, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 155 entitled "An Act to Amend Section 73 of Act 39 of the Laws of 1905, Relating to Deputy Sheriffs."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 161) from the House of Representatives, transmitting House Bill No. 156, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 156,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 156 entitled "An Act to Amend Section 128 of Act 118 of the Laws of 1907, Relating to Deputy Sheriffs."

The Bill was read by title and, upon motion of Senator Harvey, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 162) from the House of Representatives, transmitting House Bill No. 160, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 160, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 160 entitled "An Act to Amend Section 2944 of the Revised Laws as Amended by Act 7 of the Session Laws of 1907 and to Repeal Section 2945 of the Revised Laws and to Amend Section 2946 of the Revised Laws, Relating to the Crime of Burglary."

The Bill was read by title and, upon motion of Senator Fairchild, seconded by Senator Moore, passed First Reading.

A Communication (No. 163) from the House of Representatives, transmitting House Bill No. 165, was read by the Clerk as follows:

SENATE JOURNAL.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 165,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives

The Communication was ordered received and placed on file.

First Reading of House Bill No. 165 entitled "An Act Pro-
viding for the Care and Medical Treatment of Persons
Afflicted with Leprosy."

The Bill was read by title and, upon motion of Senator
Knudsen, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 164) from the House of Representa-
tives, transmitting House Bill No. 177, was read by the Clerk
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 177,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 177 entitled "An Act to Amend Section 23 of An Act entitled 'An Act Incorporating the City and County of Honolulu,' Being Act 118 of the Session Laws of 1907."

The Bill was read by title and, upon motion of Senator Fairchild, seconded by Senator Chillingworth, passed First Reading.

A Communication (No. 165) from the House of Representatives, returning Senate Bill No. 96, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 96, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 166) from the House of Representatives, returning Senate Bill No. 23, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 23, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii, with the following amendment:

Amend the first paragraph of Section 1 to read as follows:

"Section 1. Section 1019 of the Revised Laws of Hawaii is hereby amended to read as follows:

Section 1019. Manner of Vaccination. No child shall be vaccinated except after an opportunity has been given to the parent or guardian to be present at such vaccination, unless such parent or guardian shall have consented in writing to such vaccination, and then only by a duly licensed and authorized physician who shall use for such vaccination bovine virus only, obtained from standard manufacturers; such vaccination shall be only by means of scarifier and points put up in hermetically sealed tubes or other antiseptic receptacles; each receptacle shall be opened immediately before a scarifier or point is to be used, in the presence of the person to be vaccinated, and no scarifier or point shall be used for the vaccination of more than one person."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Upon motion of Senator Coelho, seconded by Senator Knudsen, further action on Senate Bill No. 23 was deferred until Friday, April 2nd, 1909.

Under suspension of the Rules, Senator Fairchild presented the Report (No. 179) of the Committee on Ways and Means on House Bill No. 13, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 1st, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 13, entitled "An Act to Amend Section 2625 of the Revised Laws of Hawaii, Amended by Section 2 of Act 98 of the Session Laws of 1905, Relating to Foreign Corporations," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to amend Section 2625 of the Revised Laws, as amended by Section 2 of Act 98 of the Session

Laws of 1905, relating to the Annual License of Foreign Corporations.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

W. J. COELHO,
E. W. QUINN,
H. T. MOORE,
JOHN T. BROWN.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator McCarthy presented the Report (No. 8) of the Select Committee on Election Laws on Senate Bill No. 121, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 1, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee on Election Laws to whom was referred Senate Bill No. 121 entitled “An Act to Provide for Elections in the Territory of Hawaii and in the various subdivisions thereof,” begs leave to report that it has had the Bill under careful consideration and recommends that the Bill pass with the following amendments, made to the printed copy of the Bill, viz:

Section 4, line 5, after the word “offer” add the words “of reward.”

Section 6, lines 10, 13 and 22, strike out the first word “Any” and insert in place thereof the word “Every.”

Section 6, line 14, after the word “vacancy” insert the word “is.”

Section 10, line 10, insert the article “a” before the word “candidate” at the end of the line.

Section 13, line 5, strike out the words “shall post before the opening of the polls on tion” and insert therefor the words “polling place on the day preceding the election.”

Section 13, line 9, strike out the word "certificates" and insert the word "certificate."

Section 13, line 12, strike out the word "soldiers" and insert the word "soldier."

Section 14, lines 1 and 2, strike out the words, "The Governor shall appoint three Inspectors of Election for each precinct."

Section 14, strike out the word "nominate" and insert therefor the words, "send to the Governor the names of."

Section 14, line 6, after the word "persons" insert the following:

"From such lists of names the Governor shall appoint three Inspectors of Election for each precinct."

Section 16, line 15, add the following:

"Provided, however, that Inspectors of Election of precincts within the District of Honolulu shall personally, or by their authorized agents, deliver such ballots, lists, records and statements directly to the Secretary of the Territory."

Section 16, line 22, strike out the word "the", after the word "of" and insert in place thereof the word "their".

Section 21, line 1, make title read:

"Voting Booth."

Section 21, line 2, strike out the word "boxes" and insert in place thereof the word "box."

Section 24, lines 2, 3 and 4, strike out the words, "The tickets or lists of candidates of the various parties shall be printed in parallel columns headed by the party name or title or other designation" and insert therefor the words "The tickets or lists of candidates of the various parties shall be printed in parallel columns. Such columns, headed by the proper name, title, or designation of the party, shall be arranged from the left to the right side of the ballot in accordance with the largest to the least number of votes polled by each party respectively for delegate to congress at the last preceding election."

Section 24, line 4, after the word "title", last appearing on said line add the words "or designation".

Section 25, line 9, strike out the word "and" after the word "language" and insert in place thereof the word "shall."

Section 25, line 12, after the word "shall" add the word "be".

Section 31, line 5, strike out the words "at the opening of the polls, seals of" and insert therefor the words "a time as are for the time being actually".

Section 33, line 3, strike out the words "and again", as inserted in Committee of the Whole as this idea is carried out in Section 36, line 9.

Section 35, line 24, strike out the word "the" at end of line.

Section 35, line 25, strike out the first two words "and opposite."

Section 39, line 14, after the word "marked" add the word "immediately."

Section 44, line 10, after the word "candidates" add the words "or agents of candidates."

Section 44, add after line 15 the words "Provided, however, that inspectors of election of precincts within the District of Honolulu shall personally, or by their authorized agents, deliver the same directly to the Secretary of the Territory."

Section 56, line 46, add at the end of the line the word "other".

Section 57, line 6, after the word "elected" add the word "to".

Section 62, line 9, after the word "volume" add the words "The Clerk shall before the first day of January, 1910, visit all the principal towns and places in his County or City and County for the purpose of registering voters."

Section 62, amend "Register" by adding after the column headed "Residence" two new columns to be headed as follows: "Representative District," "Precinct."

Section 63, line 13, strike out the word "Sixth" at the end of line and leave a blank space in lieu thereof.

Section 63, after line 39 add two new lines as follows:

8. Representative District.

9. Precinct.

Section 64, lines 7 and 8, strike out the words "at the following places within their respective districts: Hilo, Kailua, Wailuku, Honolulu and Lihue on" and insert therefor the following: "at such times and places within their respective districts as to the board may seem necessary, on or after."

Section 64, line 9, strike out the word "such" and insert in place thereof the word "all".

Section 64, lines 9 and 10, strike out the words "and shall continue their sittings from day to day until all appeals noted have been heard."

Section 65, line 11, correct the word "signatures".

Section 67, line 15, strike out the words "board of registration" and insert therefor the words "Clerk of the County or of the City and County."

Section 68, lines 8 and 9, after the word "Governor" add the word "by".

Section 71, line 9, strike out the word "applicant" and insert therefor the word "appellant."

Section 78, lines 8 and 9, strike out the words "and there shall be elected in each District a Deputy Sheriff."

Respectfully submitted,

C. J. McCARTHY,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU,
ERIC A. KNUDSEN,
S. E. KALAMA.

At 2:18 a Message (No. 13) from the Governor, vetoing House Bill No. 20, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,
Executive Chamber,

Honolulu, April 1, 1909.

To the Legislature:

I herewith return, without my approval, House Bill No. 20, entitled "An Act to Amend Section 2816 of the Revised Laws of Hawaii."

Assuming that a bill of this general nature is desirable or unobjectionable, even though it extends to all cases of felony and not merely to those punishable by death or imprisonment for life or a long term of years, as is the case in some States, I think that there are at least two reasons why the Bill ought not to become law.

In the first place, it does not confine to the circuit courts or to courts of record the power to allow counsel fees. Cases of felony often come before district magistrates in the first instance for preliminary examination. This bill might be construed as authorizing every district magistrate to impose upon the Territory an obligation to pay a counsel fee up to \$100.00 in such cases. It might also be held that in such a case the

circuit court could allow another fee when the case reaches that court.

In the second place, the bill is faultily worded. To illustrate, the fee is required to be paid "from the appropriation of the circuit"—not the appropriation for the expenses of the circuit court or from some other clearly defined appropriation; it is also the circuit "wherein the occasion arises"—another indefinite and ambiguous expression; the last clause also, namely, "who shall use every lawful exertion in his behalf," is, if not ambiguous, at least placed in an awkward position, by reason of its distance from the antecedent of the word "who" and because of the intervening matter.

WALTER F. FREAR,

Governor of Hawaii.

Senator Chillingworth moved to reconsider the passage of House Bill No. 20 on the Veto of the Governor. Seconded by Senator Knudsen and carried.

Senator Chillingworth moved that further action on House Bill No. 20 be deferred until Saturday, April 3rd, 1909. Seconded by Senator Knudsen and carried.

Senator Coelho moved that the Report of the Committee on Senate Bill No. 121 be referred to the Committee on Enrollment, Revision and Printing. Seconded by Senator Quinn.

Senator Chillingworth moved as an amendment that the Bill be referred to the Committee on Enrollment, Revision and Printing, to be printed in accordance with the recommendations of the Committee. Senator Coelho accepted the amendment which carried.

The Senate proceeded with the consideration of House Bill No. 13 entitled "An Act to Amend Section 2625 of the Revised Laws of Hawaii, Amended by Section 2 of Act 98 of the Session Laws of 1905, Relating to Foreign Corporations," on Second Reading.

Senator Fairchild moved that the Bill pass Second Reading. Seconded by Senator McCarthy and carried.

A Communication (No. 42) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 55, 56 and 57 by the Governor, was read by the Clerk as follows:

SENATE JOURNAL.

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 1, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to notify your Honorable Body that the Governor has this day, April 1, 1909, signed the following Bills:

House Bill No. 144, Act 55, An Act to Provide for the Acquisition of Land and Other Property for Public Purposes;

House Bill No. 152, Act 56, An Act to Protect Purchasers of Real Estate from Fraudulent Conveyances;

House Bill No. 127, Act 57, An Act to Provide For the Disposition of Funds Received Upon Sale of Certain Public Lands.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
At 2:31 o'clock, upon motion of Senator Woods, seconded by Senator Harvey, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-EIGHTH DAY.

Friday, April 2, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.
After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Thirty-Seventh Day was read and, upon motion of Senator Kalama, seconded by Senator Harvey, approved as read.

A Communication (No. 167) from the House of Representatives, informing the Senate of the sustaining of the Veto of the Governor on House Bill No. 20, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—I have the honor to inform your Honorable Body that the veto of the Governor on House Bill No. 20 was this day sustained by the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Brown presented the Report (No. 180) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 124, 125 and 126 and Senate Standing Committee Report No. 178, as follows:

Honolulu, T. H., April 2, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 124, 125 and 126 and Senate Standing Committee Report No. 178 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Kalama presented the Report (No. 181) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Bill No. 66, as follows

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Dear Sir:—Your Committee on Public Lands, etc., to which was referred Senate Bill No. 66, entitled "An Act to Provide for the Construction and repair of Sidewalks and the Payment of the cost thereof", begs leave to report that it has had the same under careful consideration.

The object of the Bill is to give the County power to construct, maintain, repair and to compel the construction of sidewalks by the owners of property abutting upon sidewalks within the Territorial limit of such County and to provide by ordinances or otherwise for the payment thereof.

Chapter 53, Sections 732, 733 and 734 of the Revised Laws of Hawaii, covers the object sought by the proposed Bill.

Your Committee feels that the passage of the Bill will be in conflict with the duties of the Superintendent of Public Works and therefore recommends that the Bill be laid on the table.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS.
ERIC A. KNUDSEN.

Upon motion of Senator Kalama, seconded by Senator Fairchild, the report of the Committee was adopted.

Senator Kalama presented the Report (No. 182) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Bill No. 29, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands, etc., to whom was referred House Bill No. 29, entitled "An Act to Amend Act 99 of the Session Laws of 1905, entitled 'An Act Providing for the Construction of Roads through and from Public Lands opened for Settlement,' " has had the same under careful consideration.

The Bill seeks to set aside the proceeds from the sale of such lands to be used for the construction of a road or roads through and from such lands to any public roads. The object of the Bill is a good one and your Committee therefore recommends the passage of the same with the following amendments:

In Section 1, line 5 of the printed Bill, strike out the word "shall" and insert the word "may", and in line 6 strike out the word "from" and insert the following "all or any portion of."

After the word "lands" in line 7, strike out the following "a sum, not less than fifty (50) per centum of the purchase price of said lands."

In line 9, strike out the word "such" and insert the word "a". In the same line strike out the word "such" and insert the word "any" and after the word "Lands" on the same line, insert the following: "open for settlements."

In line 10, strike out the word "shall" and insert the word "may."

In line 12, add the letter "s" after the word "land" and insert the following "and so set apart", strike out the words "until the sum so set apart shall be realized and shall deposit the proceeds thereafter received according to law" on lines 12, 13 and 14.

Strike out the word "of" in line 17.

Strike out the word "over" and insert the word "of" in line 18.

In line 24 strike out the following "after the completion of the road or roads so provided for" and insert the following: "in excess of sum required for road construction undertaken or compensated."

After the word "shall" on line 25 strike out the following "on notification by said Superintendent to that effect", and insert the following "with the approval of the Governor", so that the amended section will read as follows:

"Section 1. Whenever any public lands are opened for settlement and it is deemed advisable by the Commissioner of Public Lands, said Commissioner may, with the approval of the Governor set apart all or any portion of the proceeds of the sales of such lands to be used in providing for and constructing a road or roads through and from any lands opened for settlement to the public roads of the Territory as said Commissioner may deem necessary. The Treasurer of the Territory shall keep all sums received from the sales of such lands and so set apart in a separate deposit. The sum on special deposit shall be disbursed on warrants drawn by the Auditor, and issued only on approved vouchers of the Superintendent of Public Works, who shall have full charge and control of the construction of such road or roads, and the method, time and amount of construction; provided, however, that he shall contract for such construction, giving the preference in letting such contracts to settlers on such lands, and in no case shall contract for an amount in excess of the sum of money then held in said special deposit. Any balances remaining in such special deposits in excess of the sum required for road construction undertaken or compensated shall with the approval of the Governor, be used and disposed of by said Treasurer in the same manner as proceeds from such sales not placed on special deposit."

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS,
ERIC A. KNUDSEN.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Kalama presented the Report (No. 183) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Bill No. 50, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Public Lands Committee to whom was referred Senate Bill No. 50, entitled "An Act to Provide for a Hydro-

graphic Survey of the Districts of North and South Kona and Kau", begs leave to recommend that this Bill be laid on the table, for the reason that the subject matter therein contained is covered in Senate Bill No. 115, which passed Third Reading in the Senate on March 26, 1909.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS,
ERIC A. KNUDSEN.

Upon motion of Senator Kalama, seconded by Senator Knudsen, the Report of the Committee was adopted.

Senator Kalama presented the Report (No. 184) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Bill No. 54, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Public Lands Committee to whom was referred House Bill No. 54, entitled "An Act Relating to Inventories of Government Assets", begs leave to report that it has had the same under careful consideration, and would recommend its passage with the following amendments:

After Section 3, add a new Section, to be known as Section 4, and to read as follows:

"Section 4. It shall be the duty of the Tax Assessor of each taxation division to transmit to the Auditor of the Territory, not later than September 30 of each year, a copy of such inventories as are required by Section 1 of this Act."

Renumber Section 4, Section 5.

Renumber Section 5, Section 6.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS,
ERIC A. KNUDSEN.

Upon motion of Senator Fairchild, seconded by Senator Knudsen, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Kalama presented the Report (No. 185) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Bill No. 116, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Public Lands Committee to whom was referred House Bill No. 116, entitled "An Act to Amend Sections 3, 4 and 5 of Act 104 of the Session Laws of 1907, being 'An Act to Provide for the Protection of Birds Beneficial to the Forests of the Territory of Hawaii, and to Define the same,' " begs leave to report that it has had the same under careful consideration.

Your Committee feels that the object of the Bill is a good one, and would therefore recommend its passage.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS,
ERIC A. KNUDSEN.

Senator Knudsen moved that the Report of the Committee be adopted. Seconded by Senator Kalama.

Senator Moore moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Coelho and carried.

Senator Fairchild presented the Report (No. 186) of the Committee on Ways and Means on House Bill No. 50, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 50 entitled "An Act to Provide for the

Disposition of the Proceeds arising from Agriculture and Industrial pursuits in Certain Schools," begs leave to report that it has had the same under careful consideration, and would report as follows:

The object of the Bill is to provide for the Deposit of all money arising from Agricultural and Industrial Pursuits at the Lahainaluna School and the Boys' Industrial School being deposited with the Treasurer of the Territory to be used for the care, maintenance and operation of such schools.

Your Committee favors the Bill and would recommend its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;

W. J. COELHO,
E. W. QUINN,
H. T. MOORE,
JOHN T. BROWN.

Senator McCarthy moved that the Report of the Committee on the Bill be adopted. Seconded by Senator Chillingworth.

Senator Coelho moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Fairchild and carried.

Senator Fairchild presented the Report (No. 187) of the Committee on Ways and Means on House Bill No. 3 and Senate Bill No. 6, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 3 and Senate Bill No. 6, both relating to the Amendment of Section 1278 of the Revised Laws, as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax, has had the same under careful consideration.

The object of House Bill No. 3 is to raise the exemption allowed on Income from \$1,000.00, as the law now stands, to \$1,500.00.

Your Committee favors the amendment and recommends the passage of House Bill No. 3 and the tabling of Senate Bill No. 6.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
E. W. QUINN,
H. T. MOORE,
JOHN T. BROWN.

Upon motion of Senator Fairchild, seconded by Senator Knudsen, the Report of the Committee was laid on the table to be considered with the Bills.

Senator Fairchild presented the Report (No. 188) of the Committee on Ways and Means on Senate Bill No. 120, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 120, entitled "An Act to Amend Section 1 of Act 31, Session Laws of 1905, Relating to the Procuring of Licenses by Second-hand Dealers," begs leave to report that it has had the same under careful consideration.

The only change to the present law is embodied in line 10 of the Bill as follows: "and shall furnish the Sheriff of the County, or the Deputy Sheriff of the District in which said business is carried on with a list of the same at the end of each and every month."

The idea of the amendment is to strengthen the law as it now reads, and your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
JOHN T. BROWN,
H. T. MOORE,
E. W. QUINN,
W. J. COELHO.

Upon motion of Senator Fairchild, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator McCarthy moved to reconsider the action taken on Senate Bill No. 66. Seconded by Senator Coelho and carried.

Senator McCarthy moved that Senate Bill No. 66 be placed on the Order of the Day to be considered with the Report of the Committee. Seconded by Senator Coelho and carried.

Senator Fairchild presented the Report (No. 9) of the Select Committee on Taxation on Senate Bill No. 117, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee on Taxation, to whom was referred Senate Bill No. 117, entitled "An Act to Provide for the Payment of and Fixing the Rate of Interest upon all amounts due and payable to the Territory of Hawaii and the Several Counties thereof and Declare Delinquent as Taxes, Rates and Assessments upon Persons, Property and Income and Abolishing all Penalties for Non-Payment thereof," begs leave to report that it has had the same under careful consideration.

Your Committee favors the object of the Bill but believes there are certain legal points involved which should be settled by the Committee on Judiciary.

Your Committee therefore recommends that the Bill be referred to the Committee on Judiciary.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. T. ROBINSON,
PALMER P. WOODS,
F. R. HARVEY,
E. W. QUINN.

Upon motion of Senator Quinn, seconded by Senator Woods, the Report of the Committee was adopted.

Senator Coelho offered the following Resolution (No. 49) relating to an Appropriation of \$5,000.00 for support and maintenance of blind poor persons of Hawaii:

RESOLUTION.

RESOLVED, that the sum of \$5,000.00 be inserted in the Appropriation Bill for the support and maintenance of the blind poor persons of Hawaii.

W. J. COELHO,
Senator, 2nd District.

Upon motion of Senator Coelho, seconded by Senator Makekau, the Resolution was referred to the Committee on public Health.

Senator McCarthy offered the following Resolution (No. 50) relating to Senate Bill No. 121:

RESOLUTION.

RESOLVED, that the Printed Copy of Senate Bill No. 121 (as originally printed) be and the same is hereby substituted for Senate Bill No. 121 as introduced, and that hereafter said Printed Copy of said Bill be and the same is hereby made the Original Senate Bill No. 121.

C. J. MCCARTHY,
Senator, 3rd District.

Senate Chamber, April 2, 1909.

Upon motion of Senator McCarthy, seconded by Senator Fairchild, the Resolution was adopted.

Senator Makekau gave notice of intention to introduce the following Bills:

"An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and providing for the Government thereof.'"

"An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period ending the thirtieth day of June, A. D. 1909."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 127) entitled "An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof.'"

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Quinn, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Makekau introduced a Bill (S. B. No. 128) entitled "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period ending the Thirtieth Day of June, A. D. 1909."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Baker gave notice of intention to introduce a Bill entitled "An Act to Amend Section 12A, Chapter 6 of Act 39, Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof,' Relating to County Officers."

Under suspension of the Rules, Senator Baker introduced a Bill (S. B. No. 129) entitled "An Act to Amend Section 12A, Chapter 6 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof,' Relating to County Officers."

The Bill was read by title and, upon motion of Senator Baker, seconded by Senator Harvey, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Under head of the Order of the Day the Senate proceeded with the Message (No. 2) of the Governor, relating to Appointments subject to Confirmation.

Senator Coelho moved that action on the Message be deferred until Friday, April 9, 1909. Seconded by Senator Fairchild and carried.

Second Reading of Senate Bill No. 79 entitled "An Act to Provide for Appeals by the Territory of Hawaii in Criminal Cases in Certain Instances, Adding a New Section to Chapter 123 of the Revised Laws of Hawaii to be known as Section 1858A."

Senator Knudsen moved that the Bill pass Second Reading. Seconded by Senator Fairchild.

Senator McCarthy moved that the Bill be laid on the table. Seconded by Senator Coelho.

The motion to lay the Bill on the table, being put, carried.

Second Reading of Senate Bill No. 95 entitled "An Act for the Relief of John A. Cummins."

Senator Robinson moved to strike out the words "and legal interest thereon" in lines 1 and 2 of Section 1. Seconded by Senator Woods and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes: Senator Knudsen—1.

Excused from Voting: Senator Fairchild—1.

Third Reading of House Bill No. 13 entitled "An Act to Amend Section 2625 of the Revised Laws of Hawaii, Amended by Section 2 of Act 98 of the Session Laws of 1905, Relating to Foreign Corporations."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 35 entitled "An Act to Amend Section 1 of Act 98, Session Laws of 1907, 'To Designate the Pay of Laborers engaged in Constructing or Repairing Roads, Bridges or Streets, Water Works or other Works for the Territory of Hawaii, or for any Political Subdivision thereof.'"

Senator Fairchild moved to insert the words "in the discretion of the Board of Supervisors" in line 7 of Section 1. Seconded by Senator Chillingworth and lost.

Senator Fairchild moved to strike out the words "\$1.50 per day" in line 8 of Section 1 and insert in lieu thereof the words "at the rate of 15 cents an hour." Seconded by Senator Knudsen and lost.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, McCarthy, Moore, Quinn, Robinson and Woods—9.

Noes: Senators Chillingworth, Fairchild, Kalama, Knudsen, Makekau and Mr. President—6.

The Senate proceeded with the consideration of Senate Bill No. 23 as amended by the House of Representatives.

Senator Coelho moved to concur in the amendments made by the House of Representatives. Seconded by Senator Harvey and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn Robinson, Woods and Mr. President—15

Seconded Reading of House Bill No. 84 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof.'"

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 154 entitled "An Act to Further Safeguard the Taking of Property by Railroad Companies under Power of Eminent Domain."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 155 entitled "An Act to Amend Section 73 of Act 39 of the Laws of 1905, Relating to Deputy Sheriffs."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 156 entitled "An Act to Amend Section 128 of Act 118 of the Laws of 1907, Relating to Deputy Sheriffs."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 160 entitled "An Act to Amend Section 2944 of the Revised Laws as Amended by Act 7 of the Session Laws of 1907 and to Repeal Section 2945 of the Revised Laws and to Amend Section 2946 of the Revised Laws Relating to the Crime of Burglary."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 165 entitled "An Act Providing for the Care and Medical Treatment of Persons afflicted with Leprosy."

Referred to the Committee on Public Health.

Second Reading of House Bill No. 177 entitled "An Act to Amend Section 23 of An Act entitled 'An Act Incorporating the City and County of Honolulu,' Being Act 118 of the Session Laws of 1907."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 124 entitled "An Act Relating to Accounts of Executors and Administrators, Adding a New Section to be known as Section 1851A to the Revised Laws."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 125 entitled "An Act to Amend Section 553 of the Revised Laws Relating to the Honolulu Water Works."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 126 entitled "An Act to Permit Poor Persons to Prosecute Civil Actions in Forma Pauperis."

Referred to the Committee on Judiciary.

Under suspension of the Rules, Senator Kalama presented the Report (No. 189) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Bill No. 146, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands and Internal Improvements, to which was referred House Bill No. 146, entitled "An Act to amend Section 15 of Act 125 of the Session Laws of 1907 of the Territory of Hawaii, relating to Pounds," begs leave to report that it has had the same under careful consideration.

This Bill purports to enlarge the scope of the law by eliminating certain places named in said Section 15 of said Act 125, thereby making its provisions more general and affecting all government roads and any government land throughout the Territory. Other than this, it also seeks to raise the fee from twenty-five cents to fifty cents, the same to be paid to any police constable or to any person authorized, as expenses incurred in taking up, driving and impounding any animal found trespassing or straying upon the public highways as well as upon the public lands.

Your Committee has been informed that in the Kona districts of the Island of Hawaii, the people generally pasture their animals on the public highways and the Bill was introduced as the result, for the sole object, ostensibly, of meeting such a condition. It is sufficiently safe to say that the same condition prevails in other localities, the city of Honolulu not even being an exception, and is a condition which should not be tolerated. But, that aside, your Committee is decidedly of the opinion that the present law, which the Bill aims to amend, is amply sufficient, for the present, for all the purposes intended, subject only to the proper enforcement by those empowered so to do. Furthermore, the Committee earnestly believes that in the passage of this Bill, a further hardship will be imposed upon the people of the country districts, although the Bill was introduced by a country member.

In consequence of the views expressed above, your Committee recommends that said Bill be tabled.

Respectfully submitted,

S. E. KALAMA,

Chairman;

ERIC A. KNUDSEN,

PALMER P. WOODS.

Upon motion of Senator Chillingworth, seconded by Senator Fairchild, the Report of the Committee was adopted.

Seconded Reading of House Bill No. 29 entitled "An Act to Amend Act 99 of the Session Laws of 1905, entitled 'An Act Providing for the Construction of Roads through and from Public Lands opened for Settlement.'"

Senator Fairchild moved to strike out the words "and it is deemed advisable by" in line 4 of Section 1 and the words "said Commissioner" in line 5 of Section 1. Seconded by Senator Woods and carried.

Senator McCarthy moved to reconsider the action taken on the Bill. Seconded by Senator Fairchild.

Senator Makeau moved that the Bill be recommitted to the Committee on Judiciary. Seconded by Senator Fairchild.

The motion to recommit the Bill to the Committee on Judiciary was then withdrawn.

Senator McCarthy moved that further action on the Bill be deferred until Monday, April 5, 1909, and that the Clerk be instructed to furnish the members with typewritten copies of the Report of the Committee. Seconded by Senator Brown and carried.

Second Reading of House Bill No. 54 entitled "An Act Relating to Inventories of Government Assets."

Senator McCarthy moved to insert the words "and the Mayor of the City and County of Honolulu" in line 2 of Section 1 after the words "Territory of Hawaii." Seconded by Senator Fairchild and carried.

Senator McCarthy moved to adopt the Report of the Committee on the Bill. Seconded by Senator Fairchild.

Senator Chillingworth moved to strike out the words "Chief Justice of the Supreme Court" in lines 7 and 8 of Section 1 and insert in lieu thereof the words "Clerk of the Judiciary Department." Seconded by Senator Fairchild.

At 11:55 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Woods and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock, proceeding with the Second Reading of House Bill No. 54 continued.

The motion of Senator Chillingworth to substitute the words "Clerk of the Judiciary Department" for the words "Chief Justice of the Supreme Court" was then put and carried.

Senator Chillingworth moved to adopt the recommendations of the Committee. Seconded by Senator McCarthy and carried.

Senator Fairchild moved that the Bill pass Second Reading as amended. Seconded by Senator McCarthy and carried.

Second Reading of House Bill No. 116 entitled "An Act to Amend Sections 3, 4 and 5 of Act 104 of the Session Laws of 1907, Being An Act to Provide for the Protection of Birds Beneficial to the Forests of the Territory of Hawaii, and to Define the same."

Upon motion of Senator McCarthy, seconded by Senator Harvey, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 50 entitled "An Act to Provide for the Disposition of the Proceeds Arising from Agriculture and Industrial Pursuits in Certain Schools."

Upon motion of Senator Fairchild, seconded by Senator Quinn, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 3 entitled "An Act to Amend Section 1278 of the Revised Laws as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax."

Upon motion of Senator McCarthy, seconded by Senator Fairchild, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 120 entitled "An Act to Amend Section 1 of Act 31, Session Laws of 1905, Relating to the Procuring of Licenses by Second-hand Dealers."

Upon motion of Senator Quinn, seconded by Senator Fairchild, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 66 entitled "An Act to Provide for the Construction and Repair of Sidewalks and the Payment of the Cost thereof."

Senator Brown moved that the Report of the Committee on the Bill be adopted. Seconded by Senator Coelho.

Senator McCarthy moved that the Bill be laid on the table to be considered with House Bill No. 177. Seconded by Senator Woods.

The motion to lay the Bill on the table to be considered with House Bill No. 177, was then put and carried.

Second Reading of House Bill No. 38 entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

Senator Robinson moved to defer action on the Bill until Tuesday, April 6, 1909. Seconded by Senator McCarthy.

Senator McCarthy moved that the Bill, together with the Report of the Committee, be referred to the Committee on Enrollment, Revision and Printing. Seconded by Senator Brown and carried.

A Communication (No. 168) from the House of Representatives, returning Senate Bill No. 80, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 2, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 80, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 169) from the House of Representatives, returning Senate Joint Resolution No. 1, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 2, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Joint Resolution No. 1, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii, with the following amendments:

In line 5 of said Resolution, strike out the figure "5", and insert in lieu thereof the figures "4:30".

Also strike out the words "that such chief or head shall allow each officer or employee under him a vacation of not less than two weeks annually," in lines 11, 12 and 13 of same, and insert in lieu thereof the following: "that the one hour at noon for luncheon allowed each employee shall be considered as an hour during which actual service is performed."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
Senator Fairchild moved that the Senate concur in the amendments made by the House of Representatives to Senate Joint Resolution No. 1. Seconded by Senator Harvey and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn and Mr. President—12.

Noes: Senators Makekau, Robinson and Woods—3.

A Communication (No. 170) from the House of Representatives, transmitting House Bill No. 170, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.



Honolulu, T. H., April 2, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 170, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 170 entitled "An Act to Provide for Refunding Bonded Indebtedness of the Territory of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 171) from the House of Representatives, transmitting House Bill No. 167, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 2, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 167,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 167 entitled "An Act to Prohibit the taking of Fish with Nets in the Waters of the Bay of Hilo."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading.

Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Authorize the Issuing of Land Patents for Certain Church Sites, or Sites for other Religious or Burial Purposes."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 130) entitled "An Act to Authorize the Issuing of Land Patents for Certain Church Sites or Sites for other Religious or Burial Purposes."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1103 of Chapter 91 of the Revised Laws of Hawaii."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 131) entitled "An Act to Amend Section 1103 of Chapter 91 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator Fairchild, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Under suspension of the Rules, Senator Fairchild presented the Report (No. 190) of the Committee on Ways and Means on Senate Bill No. 49, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 2, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means to whom was re-

ferred Senate Bill No. 49, "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911", begs leave to report that it has had the same under careful consideration and recommends that the same be laid on the table, and that the substitute bill to be introduced by the Committee be considered in place thereof.

The adoption of this report will result in making available for certain necessary improvements for the Territory, the sum of \$210,038.45, as shown by the following financial statement:

Appropriation for biennial period as per substitute bill	\$2,546,410.00
Appropriations turned over to Counties	394,600.00
Already appropriated.	180,000.00
	<hr/>
	\$3,121,010.00
	<hr/>
Estimated revenue.	\$3,331,548.45
Appropriations as above stated.	3,121,010.00
	<hr/>
Available for special appropriations for Territorial purposes only.	\$ 210,538.45

Your Committee recommends that all appropriations for the internal improvements in the different Counties be considered separate and apart from Territorial expenditures and that the Counties be enabled to provide for their internal improvements by special legislation.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;

W. J. COELHO,
JOHN T. BROWN,
H. T. MOORE,
E. W. QUINN.

Upon motion of Senator Fairchild, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Fairchild on behalf of the Committee on Ways and Means introduced a Bill (S. B. No. 132) entitled "An Act Making Appropriations for Current Expenses for the Biennial Period ending June 30, 1911."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Baker, passed First Reading and

was referred, together with the Report of the Committee on Senate Bill No. 49, to the Committee on Enrollment, Revision and Printing.

At 2:55 o'clock, upon motion of Senator Coelho, seconded by Senator Chillingworth, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

THIRTY-NINTH DAY.

Saturday, April 3, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth and Quinn absent.

The Journal of the Thirty-Eighth Day was read and, upon motion of Senator Kalama, seconded by Senator Moore, approved as read.

A Communication (No. 172) from the House of Representatives, transmitting House Bill No. 74, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 74, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 74 entitled "An Act Making Appropriations for Current Expenses for the Biennial Period ending June 30, 1911."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Makekau, passed First Reading.

A Communication (No. 173) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 35, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 2, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 35.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
Senator Brown presented the Report (No. 191) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 121, as follows:

Honolulu, T. H., April 2, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 121 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act to Provide for the Maintenance, Extension and Improvement and Payment of the Cost of the Honolulu Water and Sewer Works."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 133) entitled "An Act to Provide for the Maintenance, Extension and Improvement and Payment of the Cost of the Honolulu Water and Sewer Works."

The Bill was read by title and, upon motion of Senator Fairchild, seconded by Senator Kalama, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Robinson gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1225 of the Revised Laws of the Territory of Hawaii, Relating to Exemption on Personal and Property Taxes."

Under suspension of the Rules, Senator Robinson introduced a Bill (S. B. No. 134) entitled "An Act to Amend Section 1225 of the Revised Laws of the Territory of Hawaii, Relating to Exemption on Personal and Property Taxes."

The Bill was read by title and, upon motion of Senator Robinson, seconded by Senator Kalama, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the consideration of the Message (No. 13) of the Governor, vetoing House Bill No. 20, under the head of the Order of the Day.

The Bill failed to pass on the Veto of the Governor on the following showing of Ayes and Noes:

Ayes—0.

Noes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn Robinson, Woods and Mr. President—15.

Third Reading of Senate Bill No. 68 entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws as Amended by Acts 34 and 37 Respectively of the Laws of 1905, and as Further Amended by Act 50 of the Laws of 1907."

Upon motion of Senator Makekau, seconded by Senator Robinson, the Bill was laid on the table to be considered after the consideration of Senate Bill No. 75.

Third Reading of Senate Bill No. 120 entitled "An Act

to Amend Section 1 of Act 31, Session Laws of 1905, Relating to the Procuring of Licenses by Second-hand Dealers."

Senator Fairchild moved to strike out the word "a" in line 17 of Section 1 and insert in lieu thereof the words "an itemized." Seconded by Senator Quinn and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 3 entitled "An Act to Amend Section 1278 of the Revised Laws as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Senator Fairchild moved to reconsider the action taken on House Bill No. 38. Seconded by Senator McCarthy and carried.

Senator McCarthy moved that the Bill when reported by the Committee on Enrollment, Revision and Printing, be referred to the Committee on Ways and Means. Seconded by Senator Woods and carried.

At 11:44 o'clock the Chair announced a recess of 5 minutes.

At 11:49 o'clock the Senate reconvened.

Third Reading of House Bill No. 50 entitled "An Act to Provide for the Disposition of the Proceeds arising from Agriculture and Industrial Pursuits in Certain Schools."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 54 entitled "An Act Relating to Inventories of Government Assets."

Senator Robinson moved to insert the words "or City and County" after the word "County" in lines 10 and 13 of Section 2. Seconded by Senator Chillingworth and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Coelho—1.

Third Reading of House Bill No. 166 entitled "An Act to Amend Sections 3, 4 and 5 of Act 104 of the Session Laws of 1907, Being An Act to Provide for the Protection of Birds Beneficial to the Forests of the Territory of Hawaii, and to Define the same."

Upon motion of Senator Fairchild, seconded by Senator Chillingworth, the Bill was recommitted to the Committee on Judiciary.

Second Reading of House Bill No. 167 entitled "An Act to Prohibit the Taking of Fish with Nets in the Waters of the Bay of Hilo."

Referred to Select Committee of Hawaii Members.

Second Reading of House Bill No. 170 entitled "An Act to Provide for Refunding Bonded Indebtedness of the Territory of Hawaii."

Referred to the Committee on Ways and Means.

At 11:23 o'clock the Senate resolved itself into Committee of the Whole for the consideration of Senate Bill No. 121 entitled "An Act to Provide for Elections in the Territory of Hawaii and in the Various Subdivisions thereof," on Second Reading, Senator Knudsen in the Chair.

At 1:25 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again on Monday, April 5, 1909.

The Report of the Committee was adopted.

A Communication (No. 43) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 59 and 60 and Senate Joint Resolution No. 1 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 3, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I beg leave to notify your Honorable Body that the Governor has this day, April 3, 1909, signed the following Bills and Joint Resolution:

Senate Bill No. 96, Act 59, An Act to Provide for the Vesting of Title of Trust Estates;

SENATE JOURNAL.

House Bill No. 100, Act 60, An Act to Amend Act 84 of the Session Laws of 1905, Relating to Attachments;

Senate Joint Resolution No. 1, Relating to Office Hours of Territorial Offices and Officers and Employees.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 44) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 58 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., April 3, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I take pleasure in informing your Honorable Body that the Governor on April 1, 1909, signed the following Bill:

House Bill No. 99, Act 58, An Act to Amend Section 13 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to Deputy Sheriffs.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 174) from the House of Representatives, transmitting House Bill No. 153, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 153,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 153 entitled "An Act to Divide the Territory into Districts for Election, Taxation, Educational, Judicial, City, County and all other Purposes."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator Fairchild, passed First Reading.

At 1:30 o'clock, upon motion of Senator Kalama, seconded by Senator Fairchild, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FORTIETH DAY.

Monday, April 5, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Thirty-Ninth Day was read and, upon motion of Senator Robinson, seconded by Senator Coelho, approved as read.

A Communication (No. 45) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 61 and 62 by the Governor, was read by the Clerk as follows:

SENATE JOURNAL.
EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 3, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I hereby notify your Honorable Body that the Governor has this day, April 3, 1909, signed the following Bills:

House Bill No. 13, Act 61, An Act to Amend Section 2625 of the Revised Laws of Hawaii, Amended by Section 2 of Act 98 of the Session Laws of 1905, Relating to Foreign Corporations;

Senate Bill No. 80, Act 62, An Act to Regulate the Expenditure of Public Money.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 46) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 63 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 3, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to inform your Honorable Body that the Governor has this day, April 3, 1909, signed the following Bill:

Senate Bill No. 23, Act 63, An Act to Amend Section 1019 of the Revised Laws of Hawaii, Relating to Vaccination.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
A Communication (No. 175) from the House of Representatives, returning Senate Bill No. 67, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 67, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 176) from the House of Representatives, returning Senate Bill No. 116, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1909

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 116, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
Senator Baker presented a Petition (No. 65) praying for certain legislation and appropriations for Leprosy, as follows:

To the Legislative Members of the
Senate of the Territory of Hawaii, Session 1909.

Gentlemen:—We, the undersigned, American citizens and tax paying voters for the Territory of Hawaii, do humbly petition the Honorable Members of the Legislature of 1909 to exercise its prerogative in favor of the following Bills without delay:

1. Bill prohibiting the Segregation of Lepers to Kalaupapa, Molokai, before treatment of a year, at the Kalihi Receiving Station, Honolulu, Oahu, or at any other hospital for the treatment of leprosy, introduced in the House by the Hon. H. M. Kaniho, March 22nd, 1909.

2. Bill relating to the Commitment of Persons to the Insane Asylum, as amended and introduced by the Health Committee of the House.

3. Appropriation Bill for \$15,000.00 for the purpose of building a New Ward Hospital for the Treatment of Leprosy on the Island of Oahu, to accommodate fifty beds and to include the fixtures and furnitures, etc.

4. Appropriation Bill for \$3,000.00 for the purpose of building a Physician's Residence and Dispensary for the New Ward Hospital for the Treatment of Leprosy on the Island of Oahu, to include the Fixtures and Furniture, etc.

5. Appropriation Bill for \$3,500.00 for the purpose of building a "Retreat" for patients certified by physicians that they are free from all symptoms and signs of the disease of leprosy, from the New Ward Hospital for the Treatment of Leprosy on the Island of Oahu, to include all Fixtures and Furnitures, etc.

6. Appropriation Bill for \$33,000.00 for the Care and Maintenance of Leper Patients at the New Ward Hospital for the Treatment of Leprosy on the Island of Oahu, to include not less than fifty patients a month. To include food, drugs, washing and the salary of nurses and cooks and medical attendance, also the care and maintenance of those who may return to the "Retreat" for quarantine.

(412 Signatures.)

The Petition was referred to the Committee on Public Health.

Senator Baker presented a Petition (No. 66) from residents of the Island of Hawaii, praying that the County of Hawaii be divided into Two Counties, as follows:

To the President of the Senate and
Members of the same body.

Gentlemen:—We, the undersigned, citizens and taxpayers and

voters of the Second Representative District of the Territory of Hawaii, hereby supplicate to your Honorable Body to divide the County of Hawaii, T. H., into two (2) counties, namely:

1st County—Hamakua, Hilo and Puna to be called County of East Hawaii, and its seat at Hilo Town.

2nd County—Kau, the two (2) Konas and the two (2) Kohalas to be called the County of West Hawaii, and its seat at Kailua.

We pray that you will carry out and fulfil our wishes, the people at large.

(58 Signatures.)

The Petition was referred to the Select Committee of Hawaii Members.

Senator Baker presented a Petition (No. 67) from residents of the Island of Hawaii, praying that the County of Hawaii be divided into Two Counties, as follows:

To the President of the Senate and
Members of the same Body.

Gentlemen:—We, the undersigned, citizens and taxpayers and voters of the Second Representative District of the Territory of Hawaii, hereby supplicate to your Honorable Body to divide the County of Hawaii, T. H., into two (2) counties, namely:

1st County—Hamakua, Hilo and Puna to be called County of East Hawaii, and its seat at Hilo Town.

2nd County—Kau, the two (2) Konas and the two (2) Kohalas to be called the County of West Hawaii, and its seat at Kailua.

We, the people at large, pray that you will carry out and fulfil the same.

(61 Signatures.)

The Petition was referred to the Select Committee of Hawaii Members.

Senator Fairchild presented the Report (No. 192) of the Committee on Ways and Means on Senate Bill No. 125, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was re-

ferred Senate Bill No. 125, entitled "An Act to Amend Section 553 of the Revised Laws Relating to the Honolulu Water Works," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to allow the Superintendent the right to install recording apparatus or meters to determine the rate to be paid by any water rate payer.

The water problem within the City and County of Honolulu is a serious one, and your Committee believes that the amendment sought by this Bill will result in higher rates being charged against those who waste water and lower rates charged against those who use water economically.

We recommend the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

E. W. QUINN,

W. J. COELHO,

H. T. MOORE,

JOHN T. BROWN.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Baker offered the following Resolution (No. 51) requesting the Commissioner of Public Lands to furnish the Senate with certain information regarding the land of Kaunamano, District of Kau:

RESOLUTION.

RESOLVED BY THE SENATE OF THE TERRITORY OF HAWAII, That the Commissioner of Public Lands be, and he is hereby requested to furnish the Senate as early as practicable, with full information concerning the assignment, and applications for assignment, of homesteads upon the land of Kaunamano, in the District of Kau, County of Hawaii, other than those lots assigned as homesteads to members of the Thompson Settlement Association, together with the names of all applicants for such lots or any of them, who have so applied since January 1st, 1908; and the replies that have been made to such applicants; and the reasons, if any, why such applicants, or any of them, have not had such homesteads assigned to them.

DAVID K. BAKER,

Senator, 1st District.

Dated April 5th, 1909.

Upon motion of Senator Baker, seconded by Senator Coelho, the Resolution was adopted.

Under the head of the Order of the Day the Senate, at 10:15 o'clock resolved itself into Committee of the Whole for the further consideration of Senate Bill No. 121 entitled "An Act to Provide for Elections in the Territory of Hawaii and in the Various Subdivisions thereof," on Second Reading, Senator Knudsen in the Chair.

At 10:58 o'clock, the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again at 2 o'clock this afternoon.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

Second Reading of House Bill No. 29 entitled "An Act to Amend Act 99 of the Session Laws of 1907, entitled 'An Act Providing for the Construction of Roads through and from Public Lands opened for Settlement.'"

Senator Knudsen moved that the Bill pass Second Reading as recommended by the Committee and as further amended by the Senate. Seconded by Senator Robinson.

Senator Makekau moved to strike out the words "Superintendent of Public Works" in lines 12 and 13 of Section 1 as recommended by the Committee and insert in lieu the words "Commissioner of Public Lands." Seconded by Senator Harvey.

Senator Coelho moved that further action on the Bill be deferred until Tuesday, April 6, 1909. Seconded by Senator Baker and carried.

Second Reading of House Bill No. 74 entitled "An Act Making Appropriations for the Current Expenses for the Biennial Period ending June 30, 1911."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 153 entitled "An Act to Divide the Territory into Districts for Election, Taxation, Educational, Judicial, City, County and all other Purposes."

Referred to the Committee on Judiciary.

At 11:31 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Brown and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Under suspension of the Rules, Senator Brown presented the Report (No. 193) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 132, 131 and 130 and Senate Standing Committee Report No. 190, as follows:

Honolulu, T. H., April 5th, 1909.

Hon. W. O. Smith,

President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 132, 131 and 130 and Senate Standing Committee Report No. 190 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

E. W. QUINN,

C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen presented the Report (No. 194) of the Committee on Judiciary on Senate Bill No. 126, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5th, 1909.

Hon. Wm. O. Smith,

President of the Senate,

Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 126, entitled "An Act to Permit Poor Persons to Prosecute Civil Actions in Forma Pauperis," begs leave to report that it has had the same under careful consideration and would recommend its passage with the following amendment:

Strike out the words "a statement" in line 3 of Section 2 and insert in lieu thereof the word "evidence."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 126 entitled "An Act to Permit Poor Persons to Prosecute Civil Actions in Forma Pauperis."

Senator Knudsen moved that the Bill pass Second Reading amended as recommended by the Committee. Seconded by Senator Makekau and carried.

Senator Knudsen presented the Report (No. 195) of a Minority of the Committee on Judiciary on Senate Bill No. 97, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—A Minority of your Committee on Judiciary, to whom was referred Senate Bill No. 97 entitled "An Act to Amend Section 60 of Chapter 13 of Act 30 of the Session Laws of 1905, as Amended by Act 54 of the Session Laws of 1905, and as further amended by Act 49 of the Session Laws of 1907," begs leave to report careful consideration, and recommends the tabling of the Bill.

The object of this Bill is to give County Employees the right of appeal to the Supreme Court from findings of the Board of Supervisors, sitting as a Board of Impeachment.

The Minority of your Committee believes that the finding of the Board should be final, and should not be subject to appeal to any tribunal.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

The Report was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 196) of the Majority of the Committee on Judiciary on Senate Bill No. 97, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—A Majority of your Committee on Judiciary, to whom was referred Senate Bill No. 97 entitled "An Act to Amend

Section 60 of Chapter 13 of Act 39 of the Session Laws of 1905, as Amended by Act 54 of the Session Laws of 1905, and as further amended by Act 49 of the Session Laws of 1907, begs leave to report that it has had the same under careful consideration.

The object of this Bill is to give County Employees the right of appeal to the Supreme Court from findings of the Board of Supervisors, sitting as a Board of Impeachment.

We recommend the passage of the Bill.

Respectfully submitted,

R. H. MAKEKAU,
CHAS. F. CHILLINGWORTH.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 197) of the Committee on Judiciary on Senate Bill No. 124, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 124, entitled "An Act Relating to Accounts of Executors and Administrators, Adding a New Section to be known as Section 1851A to the Revised Laws," begs leave to report that it has had the same under careful consideration.

The object of this Bill is to make Administrators, Executors, etc., wind up Estates within a reasonable time.

Your Committee favors the object of the Bill, and therefore recommends the passage of the same.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 124 entitled "An Act Relating to Accounts of Executors and Administrators, Adding a New Section to be known as Section 1851A to the Revised Laws."

Upon motion of Senator Knudsen, seconded by Senator Brown, the Bill passed Second Reading.

Senator Knudsen presented the Report (No. 198) of the Committee on Judiciary on Senate Bill No. 102, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 102, entitled "An Act to Provide for the Payment by the Territory of Hawaii of a Certain Judgment for the Sum of Three Thousand and Two Dollars (\$3,002.00) together with interest thereon, rendered by the Circuit Court for the Third Circuit of said Territory in favor of David K. Baker, against Alatau T. Atkinson, Arthur M. Brown, Lorrin A. Andrews and George P. Kamauoha," begs leave to report that it has had the same under careful consideration.

Your Committee has examined witnesses and finds that the statements contained in the preamble are correct.

As a general rule of law no action of tort lies against the Territory, but in this case all of the Defendants acted for the Territory under the instructions and under the belief that they were doing their duty.

Of the Defendants, one is dead, one is out of the country, and the rest are not very strong financially.

But even if they were able to pay, it seems that it would be unfair to hold them personally liable for a judgment obtained against them while acting under orders.

Your Committee therefore believes that the Territory should pay for this action, and so recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 102 entitled "An Act to Provide for the Payment by the Territory of a Certain Judgment for the sum of Three Thousand and Two Dollars (\$3,002.00) together with interest thereon, rendered by the Circuit Court for the Third Circuit of said Territory in favor of David K. Baker, against Alatau T. Atkinson, Arthur M. Brown, Lorrin A. Andrews and George P. Kamauoha."

Senator Coelho moved to adopt the report of the Committee on the Bill. Seconded by Senator Harvey.

Senator Fairchild moved to strike out the words "together with interest thereon" in the title and the words "together with interest thereon at the rate of 6 per cent. per annum from said 19th day of January, 1905, to the date of the passage of this Act," in lines 5, 6 and 7 of Section 1. Seconded by Senator Knudsen and lost.

The motion to adopt the Report of the Committee on the Bill was then put and carried.

Senator Brown presented the Report (No. 199) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 127, 128 and 129, as follows:

Honolulu, T. H., April 5, 1909.

Hon. W. O. Smith,

President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 127, 128 and 129 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

E. W. QUINN,

C. J. McARTHUR.

The Report of the Committee was ordered received and placed on file.

Second Reading of Senate Bill No. 125 entitled "An Act to Amend Section 553 of the Revised Laws Relating to the Honolulu Water Works."

Upon motion of Senator McCarthy, seconded by Senator Kalama, the Report of the Committee on the Bill was adopted.

A Communication (No. 177) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 54, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 5, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 54.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 178) from the House of Representatives, transmitting House Bill No. 89, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 5, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 89, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 89 entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Board of Supervisors of the City and County of Honolulu."

The Bill was read by title and, upon motion of Senator

Robinson, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 179) from the House of Representatives, transmitting House Bill No. 175, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 5, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 175, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 175 entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, Relating to the Powers and Duties of the Board of Supervisors."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 180) from the House of Representatives, transmitting House Bill No. 176, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 5, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 176, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 176 entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Supervisors."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 181) from the House of Representatives, transmitting House Bill No. 188, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 5, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 188, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 188 entitled "An Act to Amend Section 2816 of the Revised Laws Relating to the Assignment of Counsel for Persons Accused of Felonies and the Payment of such Counsel."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

A Communication (No. 68) from the Hawaiian Star Newspaper Association, calling attention to the treatment of its representative in the distribution of passes to visit the Leper Settlement, was read by the Clerk as follows:

HAWAIIAN STAR.

Daily and Semi-Weekly.

Honolulu, Hawaii, April 5, 1909.

To the President and
Members of the Senate of Hawaii,
Honolulu, T. H.

Gentlemen:—We respectfully beg to call your attention to the manner in which your plans with regard to the visit to the Leper Settlement were carried out, as affecting our representatives, and others.

No Star representative was able to accompany the expedition, for the following reasons: An invitation having been extended to the Mayor and Board of Supervisors, our Mr. Logan, who is a member of the Board, made it known that he was uncertain whether or not he could go, and further he made it known that if he was able to go he would go as a supervisor, and not to report for The Star. Our other legislative reporter, Mr. Sabin, called upon Senator Coelho on Saturday afternoon and asked for The Star's pass, according to custom. He was informed by the Senator that Mr. Logan was going for The Star. Mr. Sabin stated that Mr. Logan would go, if at all, as a supervisor, and asked to see Mr. Logan's pass, in order to ascertain whether it was made out to a Star representative. The Senator told him that Mr. Logan already had his pass and said that he (the Hon. Coelho) had decided that Mr. Logan should be The Star representative.

Mr. Logan had not received, and did not at any time receive, a pass. In common with the Mayor of Honolulu and others, he was unable to see how he could go, without joining a general scramble among a large crowd at the foot of the gangway, with the doubtful prospect of petitioning for a ticket.

We are at a loss to account for this conduct, and beg to submit that it does not seem to accord with the dignity and good faith of your honorable body, especially in view of the fact that passes were issued to two different representatives of another local newspaper, in what capacity we are uninformed.

Very respectfully yours,

HAWAIIAN STAR NEWSPAPER ASS'N.

Per GEORGE F. HENSHALL,
Manager.

The Clerk of the Senate was instructed to reply to the communication, expressing the regrets of the Senate at the unintentional treatment of its representative.

At 2:44 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of Senate Bill No. 121 entitled "An Act to Provide for Elections in the Territory of Hawaii and in the Various Subdivisions thereof," on Second Reading, Senator Knudsen in the Chair.

At 2:56 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting recommending the passage of Senate Bill No. 121 on Second Reading, amended in accordance with the recommendations of the Committee, and further amended as follows:

Insert the words "There shall be three inspectors of election for each precinct" after the words "Inspectors of Election" in line 1 of Section 14.

Insert the words "in his discretion" after the word "Governor" in line 7 of Section 14, and insert the word "may" in place of the word "shall" in the same line.

Strike out the word "that" and substitute the words "to which" and strike out the word "to" after the word "belongs" in lines 21 and 25 of Section 14.

Strike out the word "a" before the word "certificates" in line 4 of Section 46.

Insert the words "He shall make as many visits as may be necessary to enable him to register the persons entitled to vote and shall publish notices in English and Hawaiian of all visits in newspapers of general circulation in the county and by posting notices in at least three public places in each district. The first publication shall be not less than four weeks before such visits, and the notices shall appear weekly for at least three weeks. The days and hours at which his visits will be made shall be stated in such notices. And his necessary expenses therefor to be paid by the Territory" after the word "voters" in line 13 of Section 62.

Amend line 11 of Section 62 to read "The Clerk shall before the 1st day of July, 1910, and every two years thereafter, visit all the principal towns."

Strike out the word "than" in line 46 of Section 63 and insert in place thereof the word "then."

Strike out the word "applicant" at the end of Section 65 and insert in lieu thereof the word "application."

Strike out the word "of" at the beginning of line 18 of Section 68.

Insert a new Section to be numbered Section 79 to read: "Section 79. All duties imposed by this Act on County Clerks

shall within and for the County of Kalawao be performed by the Clerk of the County of Maui."

Insert a new Section to be numbered Section 80 to read "Section 80. Nothing in this Act contained shall be held or construed to amend or repeal in any manner Chapter 2 of Act 39 of the Session Laws of 1905."

Renumber Section 79, Section 81.

Renumber Section 80, Section 82.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 135) entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers."

The Bill was read by title and, upon motion of Senator Fairchild, seconded by Senator Woods, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Second Reading of Senate Bill No. 130 entitled "An Act to Authorize the Issuing of Land Patents for Certain Church Sites or Sites for other Religious or Burial Purposes."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 131 entitled "An Act to Amend Section 1103 of Chapter 91 of the Revised Laws of Hawaii."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 132 entitled "An Act Making Appropriations for Current Expenses for the Biennial period ending June 30, 1911."

Upon motion of Senator McCarthy, seconded by Senator Kalama, action on the Bill was deferred until Wednesday, April 7th, 1909, to be considered with House Bill No. 74 in Committee of the Whole.

Second Reading of Senate Bill No. 127 entitled "An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof'."

Referred to Select Committee of Hawaii Members.

Second Reading of Senate Bill No. 128 entitled "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period ending the Thirtieth Day of June, A. D. 1909."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 129 entitled "An Act to Amend Section 12A, Chapter 6 of Act 39, Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof'."

Referred to the Select Committee of Hawaii Members.

Under suspension of the Rules, Senator Chillingworth presented the Report (No. 200) of the Committee on Military and Public Expenditures on House Bill No. 166, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 3, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Military and Public Expenditures, to whom was referred House Bill No. 166, entitled "An Act Authorizing the Expenditure of the Sum of Ten Thousand Dollars for the Purpose of Erecting a Statue to the Memory of Kauikeaouli (Kamehameha III.)," begs leave to report that it has had the same under careful consideration.

The object of this Bill is clearly stated in its title but your Committee fails to see why a Statue to Kauikeaouli should be erected and not to the other Chiefs as well.

Your Committee therefore recommends the passage of the Bill with the following amendments:

Amend the title by adding the following after the words "(Kamehameha III.)," "Liholiho (Kamehameha IV.), Kapu-iwa (Kamehameha V.) and Lunalilo."

Further amend the title by striking out the word "Statue" and inserting in lieu thereof the word "Statues."

In line 5 of Section 1 strike out the word "a" and have the word "Statue" read "Statues" and in the same line amend by adding after the word "(Kamehameha III.)" the following: "Liholiho (Kamehameha IV.), Kapu-iwa (Kamehameha V.) and Lunalilo."

Respectfully submitted,

CHAS. F. CHILLINGWORTH,
Chairman;

R. H. MAKEKAU,
S. E. KALAMA.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Chillingworth presented the Report (No. 201) of the Committee on Military and Public Expenditures on Senate Bill No. 59, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 3, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Military and Public Expenditures, to whom was referred Senate Bill No. 59, entitled "An Act to Prohibit the Wearing of the Uniform of the United States Army or Navy or National Guard of Hawaii," begs leave to report that it has had the same under careful consideration.

This Bill was introduced on the suggestion of the War Department of the United States and is similar to Statutes enacted in other States and Territories.

Your Committee recommends its passage with the following amendment:

Insert the words "or person authorized by order of the War or Navy Department or Governor of Hawaii as a recognition of former Military Service" after the words "soldiers' home" on line 4 of Section 1.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,

Chairman;

R. H. MAKEKAU,
S. E. KALAMA.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Chillingworth presented the Report (No. 202) of the Committee on Military and Public Expenditures on House Bill No. 85, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 3, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Military and Public Expenditures, to whom was referred House Bill No. 85, entitled "An Act Relating to Militia Enrollment," begs leave to report that it has had the same under careful consideration.

The object of this Bill is clearly stated in its title, and your Committee recommends its passage.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,
Chairman;
R. H. MAKEKAU,
S. E. KALAMA.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Chillingworth presented the Report (No. 203) of the Committee on Military and Public Expenditures on Senate Bill No. 56, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 3, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Military and Public Expenditures, to whom was referred Senate Bill No. 56 entitled "An Act to Prohibit Persons from Associating themselves together in Military Companies or Organizations or for Military Purposes and or the Giving or Receiving of Military Instruction," begs leave to report that it has had the same under careful consideration, and would recommend its passage with the following amendment:

Amend Section 1 to read as follows:

"Section 1. Any two or more persons who associate themselves together with others within the limits of the Territory of Hawaii as a military company or organization for military pur-

poses or to give or receive military instruction, other than those belonging to the regularly organized military and naval forces of the United States, or of the Territory of Hawaii, and those attending and receiving such instruction at a public school, without the written permission of the Governor, which he may at any time revoke, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, or imprisoned for a term not exceeding six months, or both."

Respectfully submitted,

CHAS. F. CHILLINGWORTH,
Chairman;
R. H. MAKEKAU,
S. E. KALAMA.

The Report of the Committee was laid on the table to be considered with the Bill.

At 3:09 o'clock, upon motion of Senator Coelho, seconded by Senator Woods, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FORTY-FIRST DAY.

Tuesday, April 6th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Makekau and Quinn absent.

The Journal of the Fortieth Day was read and, upon motion of Senator Harvey, seconded by Senator Robinson, approved as read.

Senator Brown presented the Report (No. 204) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 133 and 134, as follows:

Honolulu, T. H., April 6, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 133 and 134 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

The Senate proceeded with the Order of the Day.

Second Reading of Senate Bill No. 8 entitled "An Act to Provide for Nominations by Direct Vote."

Senator McCarthy moved that action on the Bill be deferred. Seconded by Senator Quinn and carried.

Third Reading of Senate Bill No. 102 entitled "An Act to Provide for the Payment by the Territory of Hawaii of a Certain Judgment for the Sum of Three Thousand and Two Dollars (\$3,002.00) together with Interest thereon, Rendered by the Circuit Court for the Third Circuit of said Territory in favor of David K. Baker, Against Alatau T. Atkinson, Arthur M. Brown, Lorrin A. Andrews and George P. Kamauoha."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes: Senator Kalama—1.

Excused from Voting: Senator Baker—1.

Third Reading of Senate Bill No. 124 entitled "An Act Relating to Accounts of Executors and Administrators Adding a New Section to be known as Section 1851A to the Revised Laws."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fair-

child, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Mr. President—14.

Noes: 0.

Not Present: Senator Woods—1.

Third Reading of Senate Bill No. 125 entitled "An Act to Amend Section 553 of the Revised Laws Relating to the Honolulu Water Works."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Mr. President—13.

Noes: Senator Harvey—1.

Not Present: Senator Woods—1.

Third Reading of Senate Bill No. 126 entitled "An Act to Permit Poor Persons to Prosecute Civil Actions in Forma Pauperis."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Mr. President—14.

Noes: 0.

Not Present: Senator Woods—1.

Third Reading of Senate Bill No. 121 entitled "An Act to Provide for Elections in the Territory of Hawaii and in the Various Subdivisions thereof."

Senator McCarthy moved that the words "in like manner" be added at the end of line 13 of Section 62. Seconded by Senator Robinson and carried.

Senator McCarthy moved that the Bill pass Third Reading as amended. Seconded by Senator Knudsen.

Senator Makekau moved that further action on the Bill be deferred until 2 o'clock this afternoon. Seconded by Senator Baker and lost.

Senator Knudsen moved the Previous Question. Seconded by Senator Fairchild and withdrawn.

At 11:55 o'clock Senator Makekau moved to take a recess until 2 o'clock. Seconded by Senator Brown and lost.

Senator Makekau moved that the Bill be laid on the table. Seconded by Senator Baker and lost.

The motion to pass the Bill on Third Reading as amended, was then put and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fair-

child, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson and Mr. President—13.

Noes: Senator Makekau—1.

Not Present: Senator Woods—1.

Under suspension of the Rules, Senator Harvey offered the following Resolution (No. 52) relating to the return of certain persons at the Leper Settlement to Honolulu for Examination:

RESOLUTION.

WHEREAS, there are a number of people at the Leper Settlement at Kalawao and Kalaupapa, Molokai, who are to all appearances free from the disease of leprosy, who have been segregated there for more than 10 years, and some less, and have not shown any signs or indications of increase in their affliction or becoming worse;

THEREFORE BE IT RESOLVED, that the Board of Health be and it is hereby requested to forthwith bring back from the Leper Settlement to the Kalihi Receiving Station all such persons who are to all appearances free from the disease of leprosy for further examination, treatment and release under parole or otherwise.

F. R. HARVEY,
Senator, 3rd District.

Senator Harvey moved that the Resolution be adopted. Seconded by Senator Coelho.

Senator Chillingworth moved that action on the Resolution be deferred until Thursday, April 9th, 1909, the Committee on Public Health to report on the same, and the Clerk to furnish typewritten copies of the Resolution to the Members. Seconded by Senator Moore and carried.

At 12:16 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Harvey and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Second Reading of Senate Bill No. 56 entitled "An Act to Prohibit Persons from Associating Themselves Together in Military Companies or Organizations or for Military Purposes, and or the Giving or Receiving of Military Instruction."

Upon motion of Senator Chillingworth, seconded by Senator Makekau, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 59 entitled "An Act to Prohibit the Wearing of the Uniform of the United States Army or Navy or National Guard of Hawaii."

Senator Chillingworth moved to defer action on the Bill until Wednesday, April 7th, 1909. Seconded by Senator Brown and carried.

Second Reading of Senate Bill No. 97 entitled "An Act to Amend Section 60 of Chapter 13 of Act 39 of the Session Laws of 1905 as Amended by Act 54 of the Session Laws of 1905 and as further amended by Act 49 of the Session Laws of 1907."

Senator Makekau moved that the Bill pass Second Reading. Seconded by Senator Harvey.

Senator Knudsen moved to adopt the Minority Report of the Committee on the Bill. Seconded by Senator Quinn and lost.

Senator Baker moved that the Bill be recommitted to a Select Committee. Seconded by Senator McCarthy and carried.

The Chair appointed the following to act as such Select Committee: Senators Baker, Quinn and Kalama.

Second Reading of House Bill No. 29 entitled "An Act to Amend Act 99 of the Session Laws of 1905, entitled 'An Act Providing for the Construction of Roads Through and from Public Lands Opened for Settlement'."

Upon motion of Senator Knudsen, seconded by Senator Kalama, action on the Bill was deferred until Wednesday, April 7th, 1909.

Second Reading of House Bill No. 85 entitled "An Act Relating to Militia Enrollment."

Senator Chillingworth moved to adopt the Report of the Committee on the Bill. Seconded by Senator Coelho and carried.

Senator McCarthy moved to reconsider the action taken on Senate Bill No. 59. Seconded by Senator Chillingworth and carried.

Second Reading of Senate Bill No. 59 entitled "An Act to Prohibit the Wearing of the Uniform of the United States Army or Navy or National Guard of Hawaii."

Senator McCarthy moved to insert the word "male" after the word "every" in line 1 of Section 1. Seconded by Senator Chillingworth and carried.

Senator Chillingworth moved that the Bill pass Second Reading as amended and as recommended by the Committee. Seconded by Senator McCarthy and carried.

Second Reading of House Bill No. 166 entitled "An Act Authorizing the Expenditure of the Sum of Ten Thousand Dol-

lars for the Purpose of Erecting a Statue to the Memory of Kamehameha III)."

Upon motion of Senator Chillingworth, seconded by Senator Coelho, the Bill, together with the Report of the Committee on the Bill, was recommitted to the Committee on Ways and Means.

Second Reading of House Bill No. 89 entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Board of Supervisors of the City and County of Honolulu."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 175 entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, Relating to the Powers and Duties of the Boards of Supervisors."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 176 entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Supervisors."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 188 entitled "An Act to Amend Section 2816 of the Revised Laws Relating to the Assignment of Counsel for Persons Accused of Felonies and the Payment of such Counsel."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 133 entitled "An Act to Provide for the Maintenance, Extension and Improvement and Payment of the Cost of the Honolulu Water and Sewer Works."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 134 entitled "An Act to Amend Section 1225 of the Revised Laws of the Territory of Hawaii Relating to Exemption on Personal and Property Taxes."

Referred to the Committee on Ways and Means.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 205) of the Committee on Judiciary on House Bill No. 159, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 159, entitled "An Act for the Relief of the

Volcano Stables and Transportation Company, Limited," begs leave to report that it has had the same under careful consideration.

The object of the Bill your Committee considers illegal and against the provisions of Sections 4 and 5 of Act 127 of the Session Laws of 1907.

Your Committee therefore recommends that the Bill be laid on the table.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

I do not concur.

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 159 entitled "An Act for the Relief of the Volcano Stables and Transportation Company, Limited."

Upon motion of Senator Coelho, seconded by Senator Brown, the Bill passed Second Reading.

Senator Knudsen presented the Report (No. 206) of the Committee on Judiciary on House Bill No. 94, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 94, entitled "An Act to Amend Section 3018 of the Revised Laws Relating to Circulation of Commercial Paper", begs leave to report that it has had the same under careful consideration.

The object of this Bill is the same as was sought to be attained by Senate Bill No. 37. As Senate Bill No. 37 has been tabled, and as this Bill will allow the establishment of the Clearing House, if necessary, your Committee recommends its passage.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 94 entitled "An Act to Amend Section 3018 of the Revised Laws Relating to Circulation of Commercial Paper."

Upon motion of Senator Knudsen, seconded by Senator Chillingworth, the Bill passed Second Reading.

Senator Knudsen presented the Report (No. 207) of the Committee on Judiciary on House Bill No. 160, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 160 entitled "An Act to Amend Section 2944 of the Revised Laws as Amended by Act 7 of the Session Laws of 1907, and to Repeal Section 2945 of the Revised Laws, and to Amend Section 2946 of the Revised Laws Relating to the Crime of Burglary," begs leave to report that it has had the same under careful consideration.

The object of this Bill is to more clearly define the law relating to Burglary.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 160 entitled "An Act to Amend Section 2944 of the Revised Laws as Amended by Act 7 of the Session Laws of 1907 and to Repeal Section 2945 of the Revised Laws and to Amend Section 2946 of the Revised Laws Relating to the Crime of Burglary."

Senator Chillingworth moved to adopt the Report of the Committee on the Bill. Seconded by Senator Quinn and carried.

Senator Knudsen presented the Report (No. 208) of the Committee on Judiciary on House Bill No. 156, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 156, entitled "An Act to Amend Section 128 of Act 118 of the Laws of 1907, Relating to Deputy Sheriffs," begs leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 156 entitled "An Act to Amend Section 128 of Act 118 of the Laws of 1907, Relating to Deputy Sheriffs."

Senator Chillingworth moved to adopt the Report of the Committee on the Bill. Seconded by Senator Kalama and carried.

Senator Knudsen presented the Report (No. 209) of the Committee on Judiciary on House Bill No. 155, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 155, entitled "An Act to Amend Section 73 of Act 39 of the Laws of 1905, Relating to Deputy Sheriffs," begs

leave to report that it has had the same under careful consideration, and would recommend its passage.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 155 entitled "An Act to Amend Section 73 of Act 39 of the Laws of 1905, Relating to Deputy Sheriffs."

Upon motion of Senator Kajama, seconded by Senator Chillingworth, the Report of the Committee on the Bill was adopted.

Senator Knudsen presented the Report (No. 210) of the Committee on Judiciary on House Bill No. 73, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 73 entitled "An Act to Provide for the Exemption of the Family Homestead from Forced Sale and to Repeal Section 1830 of the Revised Laws of Hawaii," begs leave to report that it has had the same under careful consideration and recommends the passage of the Bill.

The reasons which have influenced your Committee to recommend its passage may be summarized as follows:

Section 1830 of the Revised Laws of Hawaii is a copy of the statute which has been on our statute books since 1852. It is absurdly out of date and inadequate. That statute gives the exemption of Two Hundred and Fifty Dollars' worth of real property as a homestead and one-half acre of taro land. The comfort of our people has improved since 1852 and no head of a family should be stripped of his home if it is proved worth more than the paltry sum of Two Hundred and Fifty Dollars. Two Thousand, Five Hundred Dollars is a fair medium valuation

for exemption as shown by a study of the statutes of the sixteen states copies of which have been available here. The exemption ranges from \$1,000.00 to \$5,000.00 worth of realty exclusive of the dwelling thereon.

The object of such statutes as are found in Illinois, Michigan, Kansas, Virginia, West Virginia, Arkansas, Colorado, California and other States is briefly stated in the Encyclopedia of Law (15 Ency. 525) as follows:

The principal if not the sole object of most homestead laws is to protect debtors and their families in the possession and enjoyment of homes so as to give them shelter beyond the reach of financial misfortune.

The Policy of the Government is to give a man a chance to regain his business standing even if he becomes a bankrupt, by allowing him a home to live in and keep his family from want.

We think that the present statute is not sufficient protection to the head of a family. If the head of a family is so unfortunate as to become bankrupt, we do not think that it can be said at this day that it is good enough for him if his creditors let him have a home worth Two Hundred and Fifty Dollars and one-half acre of taro land. Therefore Section 1830 of the Revised Laws should be repealed and this Bill take its place. We have examined this Bill carefully and find that it is fair to the homestead claimant and to his creditors, if he have any. Protection is given to the creditor if the home is worth more than \$2,500.00, and a means given to realize on the excess value. If the declaration is filed before any debts contracted, the homemaker is protected with his family from forced sale. The text of the measure is copied in great part from the California Statutes which have been in use for many years with good effect.

Respectfully submitted,

ERIC A. KNUDSEN,

(Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 73 entitled "An Act to Provide for the Exemption of the Family Homestead from Forced Sale and to Repeal Section 1830 of the Revised Laws of Hawaii."

Senator Knudsen moved to insert the words "of the value" after the word "Homesteads" in line 2 of Section 3. Seconded by Senator Kalama and carried.

Senator Chillingworth moved to strike out the word "exemption" at the end of Section 9 and insert in lieu thereof the word "judgment." Seconded by Senator Knudsen and carried.

Senator Chillingworth moved that the Bill be recommitted to the Committee on Judiciary. Seconded by Senator Makekai and carried.

A Communication (No. 182) from the House of Representatives, returning Senate Bill No. 118, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 6, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 118, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 47) from Jas. W. Pratt, Commissioner of Public Lands, replying to Senate Resolution No. 51, was read by the Clerk as follows:

TERRITORY OF HAWAII

COMMISSION OF PUBLIC LANDS.

Honolulu, April 6, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii,
Honolulu, T. H.

Gentlemen:—In response to the following

"RESOLUTION.

"RESOLVED by the Senate of the Territory of Hawaii; that the Commissioner of Public Lands be, and he is hereby requested to furnish the Senate, as early as practicable, with full information concerning the assignment, and applications for assignment of Homesteads upon the land of Kaunamano in the District of Kau, County of Hawaii, other than those lots assigned as Homesteads to members of the Thompson Settlement Association, together with the names of all applicants for such lots or any of them who have so applied since January 1st, 1908, and the replies that have been made to such applicants, and the reasons, if any, why such applicants, or any of them, have not had such Homesteads assigned to them."

I would state that the following is a list of the applicants for Kaunamano Lots, together with the date of application, date of answer to application, and substance of said answer.

January 18, 1908; applicant, George Dawson; answered January 20, 1908, as follows: The Governor will visit the land shortly and decide upon what disposition is to be made of the unoccupied lots.

February 1, 1908; applicant, C. Akamu; answered February 4, 1909; answer being the same as that to George Dawson.

March 28, 1908; applicant, Chas. Auld; answered March 31, 1908, as follows: Governor will take up matter upon visit to District during June or July.

May 16, 1908; applicant, J. G. Andrews; answered May 18, 1908: Commissioner being absent from Honolulu, Secretary acknowledged receipt of application. Answered again July 3, 1908: Governor does not favor opening of lands for Settlement Associations, but individual applications will receive full consideration.

May 16, 1908; applicant, C. Andrews; answered May 18, 1908, and July 3, 1908, same as answer to J. G. Andrews.

September 21, 1908; applicant, Kau Settlement Association; answered September 22, 1908: Governor does not approve of opening of lands for Settlement Associations, but individual applicants will receive full consideration. Governor will visit the District within two or three weeks and advise you personally how you may obtain lands.

October 21, 1908; applicant, Miss Bertha B. Taylor, who applied for a lease of 11.95 acres of pastoral land. Answered October 22, 1908, lease will be sold when proper description is obtained. Lease was sold March 1, 1909.

March 5, 1909; applicant, George Dawson; answered March 5, 1909, applications will be received only from those who themselves or their wives, have not taken up a Government Home-

stead in the past. Lands will be opened only under new Special Agreement of Sale. Answered again April 2, 1909, enclosing a letter from Plantation Management stating that the crop would be off Lot 7, in about two months, and the crop would be off the balance of the lands in June or July, 1910. Also enclosing copy of letter from the Commissioner of Lands to the Lessees wherein tenant is notified of applications for premises and advised not to plan for replanting. Applicant is advised that Lot 7 will be available as soon as the cane is taken off.

March 11, 1909; applicant, H. K. Kawelu; answered March 12, 1909: Applications will be received only from those who themselves or their wives have not taken Government Homesteads in the past. Lands will be opened under the new Special Agreement of Sale.

March 11, 1909; applicant, J. G. Andrews; answered March 12, 1909; same as answer to H. K. Kawelu.

March 26, 1909; applicant, H. K. Kawelu, Jr.; answered March 26, 1909: Application filed until Governor approves of opening of balance of Kaunamano lots.

Respectfully submitted,

JAS. W. PRATT,
Commissioner of Public Lands.

The Communication was ordered received and placed on file, and the Clerk instructed to furnish the Members with typewritten copies of the same.

Second Reading of Senate Bill No. 8 entitled "An Act to Provide for Nominations by Direct Vote."

Senator Chillingworth moved that the Bill be placed on the Order of the Day on Wednesday, April 7th, 1909. Seconded by Senator McCarthy and carried.

A Communication. (No. 69) from Jno. C. O'Day, M.D., requesting an appropriation for the Palama General Hospital, was read by the Clerk, as follows:

Honolulu, T. H., April 6, 1909.

Honorable W. O. Smith,
President of the Senate,
Territory of Hawaii.

Dear Sir:—We understand that appropriations to benevolent institutions are soon to engage your attention.

In view of this, we request that a small amount, that is, an amount consistent with what institutions are receiving, be allotted the Palama General Hospital.

We realize that one hospital in Honolulu should be adequate, if properly supported, to the Territory, and we believe, if the work could be concentrated into one institution, it would be better, but such institution should be managed and maintained in such manner that no hardship or discourtesy be imposed upon any member of the medical profession in good standing. This also would obviate the necessity of private sanitoriums being maintained, thus depriving the general hospital of money it should otherwise receive, which could only tend to lighten the public burden.

At the Palama Hospital, between 18 and 25 school children are being gratuitously treated daily.

No person has been refused admission to the charity wards.

This hospital has been running from five to seven hundred dollars behind each month, but this amount was paid by Mrs. Atherton.

We also request that your Honorable Body exert its influence toward procuring a better entrance to this hospital.

Very respectfully,

JNO. C. O'DAY, M. D.

The Communication was ordered referred to the Committee on Public Health.

At 4 o'clock, upon motion of Senator Coelho, seconded by Senator Woods, the Senate adjourned.

WLLIAM SAVIDGE,

Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,

President of the Senate.

FORTY-SECOND DAY.

Wednesday, April 7th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Forty-first Day was read and, upon motion of Senator Knudsen, seconded by Senator Moore, approved as read.

A Communication (No. 70) from Messrs. H. Hackfeld & Co., Ltd., and others, protesting against abolishing the office of Assistant Harbor Master of the Port of Honolulu, was read by the Clerk as follows:

Honolulu, T. H., April 6, 1909.

The Honorable President and
Members of the Senate,
Legislature of Hawaii, Session 1909,
Honolulu, T. H.

Gentlemen:—The undersigned have been informed that action has been taken in the House of Representatives looking toward the abolishment of the office of Assistant Harbor Master, and to combine the services now performed by the Harbor Master with those of the Pilots for the Harbor of Honolulu, and the item for salary of an Assistant Harbor Master has been dropped from the appropriation bill in the House, and a substitute appropriation item has been there adopted for an additional amount for services to be rendered in the future of approximately \$210.00, after cutting out the Assistant Harbor Master and some other items aggregating about \$135.00, which would mean an additional expenditure of about \$75.00 per month. Where the economy in this comes in is not seen by the undersigned, but they respectfully submit, in view of their many years of experience in handling shipping at the port of Honolulu, that it will mean an absolute inefficiency of service without saving anything to the Territory.

As an example, if the present program is carried out, supposing the Harbor Master to be busy moving a vessel from one wharf to another, and the pilots all busy with incoming steamers or vessels, as is often the case, who would attend to another party wishing to have some duty performed in connection with their shipping interests?

Besides this, you must be aware of the fact that all bills must be presented by the Harbor Master prior to the departure of each

steamer in order to enable the Agents or Owners to have the Captain certify to the correctness of the bill before paying the same to the Government.

There are a great many other points which representatives of the undersigned will be only too glad to explain to your Honorable Body, and we are led to believe that the action of the House would have been otherwise had they been earlier advised of the facts in the premises. We believe this matter is one directly involving the greatest interest to the shipping of all the Hawaiian Islands.

In conclusion, we urgently request that the office of Assistant Harbor Master be not abolished, but be inserted again as a special item in the appropriation bill, and that your Honorable Body, or a committee designated for the purpose, will afford us a hearing on this matter.

We have the honor to be,

Very respectfully yours,

H. Hackfeld & Co., Ltd.,
J. F. HACKFELD,
President;

Castle & Cooke, Ltd.,
By its Treasurer,
CHAS. H. ATHERTON;
Alexander & Baldwin, Ltd.,
J. P. COOKE,
Manager;

Allen & Robinson, Ltd.,
By its First Vice-President,
P. MUHLENDORF;
F. A. Schaefer & Co., Ltd.,
F. A. SCHAEFER,
President;

Theo. H. Davies & Co., Ltd.,
F. M. SWANZY,
Manager;

Lewers & Cooke, Ltd.,
By F. J. LOWREY,
President;

Wm. G. Irwin & Co., Ltd.,
By its Secretary,
R. IVERS;
Honolulu Iron Works Co.,
F. M. SWANZY,
President.

The Communication was ordered referred to the Committee on Ways and Means.

Senator Brown presented a Petition (No. 71) from Members of the Pahoe-hoe Church urging the passage of Senate Bill No. 130, as follows:

HAWAIIAN EVANGELICAL ASSOCIATION,

Honolulu, T. H., March 5, 1909.

The Senate and
House of Representatives of the
Territory of Hawaii.

Greeting:—We, the undersigned members and constituents of the Church at Pahoe-hoe do respectfully petition favorable action by your honorable body on the Bill now before the Legislature for the granting of land patents to the churches now occupying the sites which in many cases have been continuously occupied by them for many years. In many cases these premises have been also used as cemeteries and are now so used. These sites are therefore doubly sacred, and should be perpetuated in ownership to these historic churches of the Territory.

Respectfully submitted,

(15 Signatures.)

The Petition was ordered referred to the Committee on Judiciary.

Senator Baker presented a Petition (No. 72) from Members of the Waiohinu Church urging the passage of Senate Bill No. 130, as follows:

HAWAIIAN EVANGELICAL ASSOCIATION.

Honolulu, T. H., March 5, 1909.

The Senate and
House of Representatives of the
Territory of Hawaii.

Greeting:—We, the undersigned members and constituents of the Church at Waiohinu do respectfully petition favorable action

by your honorable body on the Bill now before the Legislature for the granting of land patents to the churches now occupying the sites which in many cases have been continuously occupied by them for many years. In many cases these premises have been also used as cemeteries and are now so used. These sites are therefore doubly sacred, and should be perpetuated in ownership to these historic churches of the Territory.

Respectfully submitted,

(42 Signatures.)

The Petition was ordered referred to the Committee on Judiciary.

Senator Brown presented the Report (No. 211) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 135 and House Bill No. 38, as follows:

Honolulu, T. H., April 7, 1909.

Honorable W. O. Smith,
President of the Senate,

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 135 and House Bill No. 38 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Robinson presented the Report (No. 212) of the Committee on Education on House Bill No. 143, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 7, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Education to whom was referred House Bill No. 143, entitled "An Act to Provide for the Estab-

lishment and Maintenance of the Library of Hawaii", begs leave to report that it has had the same under careful consideration and recommends that the Bill pass.

Respectfully submitted,

W. T. ROBINSON,
Chairman;
ERIC A. KNUDSEN,
C. J. McCARTHY.

Upon motion of Senator McCarthy, seconded by Senator Robinson, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Robinson presented the Report (No. 213) of the Committee on Education on Senate Bill No. 98, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 7, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Education to whom was referred Senate Bill No. 98, entitled "An Act to Encourage Saving Among School Children", begs leave to report that it has had the same under careful consideration and we believe that as applied to the City and County of Honolulu, it is a good one.

We therefore recommend that the Bill be amended by striking out the word "Territory" in the first section and inserting therefor the words "City and County of Honolulu."

Without this amendment we recommend that the Bill pass.

Respectfully submitted,

W. T. ROBINSON,
Chairman;
ERIC A. KNUDSEN,
C. J. McCARTHY.

Upon motion of Senator Robinson, seconded by Senator Coelho, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Kalama presented the Report (No. 214) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Bill No. 54, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 6, 1909.

The Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Public Lands Committee to whom was referred Senate Bill No. 54, entitled "An Act to Amend Paragraph 22, Chapter 5, Section 23, Act 118 of the Session Laws of 1907," begs leave to report that it has had the same under careful consideration.

The object of the Bill is a good one, and your Committee would therefore recommend its passage.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS,
ERIC A. KNUDSEN.

Upon motion of Senator McCarthy, seconded by Senator Quinn, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen reported verbally for the Committee on Judiciary on House Bill No. 116, recommending its passage on Third Reading.

Upon motion of Senator Knudsen, seconded by Senator Brown, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Fairchild—1.

Senator Knudsen presented the Report (No. 215) of the Committee on Judiciary on Senate Bill No. 117, as follows:

SENATE CHAMBER,

Honolulu, T. II., April 7, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 117, entitled "An Act to Provide for the Payment of and Fixing the Rate of Interest upon all Amounts Due and Payable to the Territory of Hawaii and the Several Counties thereof and Declared Delinquent as Taxes, Rates and Assessments upon Persons, Property and Income and Abolishing all Penalties for Non-Payment thereof," begs leave to report that it has had the same under careful consideration, and would recommend the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH.

This is a Bill relating to Taxation so I think this Bill should be referred to the Committee on Taxation.

R. H. MAKEKAU.

Upon motion of Senator Chillingworth, seconded by Senator Knudsen, the Report of the Committee was laid on the table to be considered with the Bill.

Senator McCarthy gave notice of intention to introduce a Bill entitled "An Act to Amend Section 1728 of the Revised Laws of Hawaii, Relating to Proof and Entry of Defaults Against Defendants in Civil Actions."

Under suspension of the Rules, Senator McCarthy introduced a Bill (S. B. No. 136) entitled "An Act to Amend Section 1728 of the Revised Laws of Hawaii, Relating to Proof and Entry of Defaults Against Defendants in Civil Actions."

The Bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Makekau gave notice of intention to introduce a Bill entitled "An Act Relating to Balances of Road Tax Money in the Treasury of the Territory of Hawaii."

Under suspension of the Rules, Senator Makekau introduced

a Bill (S. B. No. 137) entitled "An Act Relating to Balances of Road Tax Money in the Treasury of the Territory of Hawaii."

The Bill was read by title and, upon motion of Senator Ma-kekau, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho on behalf of the Committee on Ways and Means presented the Report (No. 216) of the Committee on House Bill No. 157, as follows.

SENATE CHAMBER,

Honolulu, T. H., April 7, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 157, entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii, Relating to Public Shows," begs leave to report that it has had the same under careful consideration, and would recommend its passage with the following amendments.

Amend Section 2 to read as follows:

"Section 2. Section 1403 of the Revised Laws is hereby amended so as to read as follows:

Section 1403. Fee. The fee for each performance under any such license shall be \$2.50 per diem; but no fee shall be charged if the Treasurer or Sheriff is satisfied that the entire proceeds of the performance or any exhibition are to be devoted to any school, religious or charitable institution, or for the promotion of art, and not for profit."

Strike out Section 3.

Strike out Section 4.

Strike out Section 5.

Renumber Section 6, Section 3.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
H. T. MOORE,
JOHN T. BROWN.

I do not concur.

E. W. QUINN.

Upon motion of Senator Coelho, seconded by Senator Moore, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho on behalf of the Committee on Ways and Means presented the Report (No. 217) of the Committee on House Bill No. 170, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 7, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 170 entitled "An Act to Provide for Refunding Bonded Indebtedness of the Territory of Hawaii," begs leave to report that it has had the same under careful consideration.

The object of this Bill is to enable the Government to refund its indebtedness at a lower rate of interest.

Your Committee finds that the Bill has been carefully drawn by experts and, being in the interests of economy, recommends its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
H. T. MOORE,
JOHN T. BROWN,
E. W. QUINN,

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Report of the Committee was laid on the table to be considered with the Bill.

At 10:34 o'clock, under the head of the Order of the Day, the Senate resolved itself into Committee of the Whole for the further consideration of Senate Bill No. 8 entitled "An Act to Provide for Nominations by Direct Vote," on Second Reading, Senator Knudsen in the Chair.

At 12 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was adopted.

Under suspension of the Rules, Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act to Amend Act 62 of the Session Laws of 1909, Relating to the Expenditure of Public Money."

Senator Fairchild introduced a Bill (S. B. No. 138) entitled "An Act to Amend Act 62 of the Session Laws of 1909, Relating to the Expenditure of Public Money."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

At 12 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Chillingworth and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Third Reading of Senate Bill No. 56 entitled "An Act to Prohibit Persons from Associating Themselves Together in Military Companies or Organizations or for Military Purposes and or the Giving or Receiving of Military Instruction."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of Senate Bill No. 59 entitled "An Act to Prohibit the Wearing of the Uniform of the United States Army or Navy or National Guard of Hawaii."

Senator Coelho moved to insert the words "or Public Health and Marine Hospital Service" after the word "Service" in line 5 of Section 1. Seconded by Senator Chillingworth and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Senator Fairchild moved to take up for consideration Senate Bill No. 30. Seconded by Senator Coelho and carried.

Third Reading of Senate Bill No. 30 entitled "An Act Relating to Fines and Costs."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—12.

Noes: Senators Chillingworth and Mr. President—2.

Not Present: Senator Knudsen—1.

At 2:14 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of Senate Bill No. 8 entitled "An Act to Provide for Nominations by Direct Vote" on Second Reading, Senator Knudsen in the Chair.

At 4 o'clock the Senate came to order, Senator Knudsen for the Committee of the Whole, reporting, asking for further time in which to present a written report recommending the passage of the Bill on Second Reading as amended.

The Report of the Committee was adopted.

A Wireless Message (No. 73) from the Shippers' Wharf Committee, Hilo, protesting against the appropriation for Hilo Sanitation and placing the Sanitary Inspectors under County control, was read by the Clerk as follows:

WIRELESS TELEGRAPH COMPANY, LTD.

Honolulu Office, April 7, 1909.

Time received, 3:30.

By whom received, DOC.

Office of Origin, Hilo.

To W. O. Smith,

President of the Senate,
Honolulu.

From Shippers' Wharf Com-
mittee, Hilo.

We protest strongly against eliminating appropriation for Hilo sanitation also against Hilo sanitary inspector going under county. Letter follows.

The Message was ordered laid on the table to be considered with the Appropriation Bill.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 218) of the Committee on Judiciary on House Bill No. 177, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5, 1909.

Honorable Wm. O. Smith.

President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 177, entitled "An Act to Amend Section 23 of

An Act entitled 'An Act Incorporating the City and County of Honolulu,' Being Act 118 of the Session Laws of 1907," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to authorize the City and County of Honolulu to regulate the erection of carpenter, machine, blacksmith and other work shops, laundries, poi shops, fish-markets, etc.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Quinn, seconded by Senator Baker the Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 219) of the Committee on Judiciary on Senate Bill No. 103, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 5, 1909.

Hon. W. O. Smith,
President of the Senate,
Territory of Hawaii.

Dear Sir:—In regard to Senate Bill No. 103, being "An Act defining the powers and duties of representatives of estates of deceased persons in the management and distribution thereof," your Judiciary Committee reports that it recommends the passage of such Bill with certain amendments.

In general, the purpose of the proposed act is to define the duties of the representatives of estates of deceased persons so as to give them not only the duty to take the personal property into their possession as now provided by law, but to add a new duty, to take the real property into their control.

The Bill provides for a means by which notice to all claimants is given by the court and all claimants may come in and in one proceeding have their respective shares in the real property definitely decided and set off to them and distributed to them in

the same manner in which the personal assets of an estate are today distributed upon a decree setting off the shares.

The object of this change of the statute is to provide a short cut to settling of disputes as to shares in real property of decedent which under the present law do involve the claimants in the delay and expense of separate law suits, independent of the probate proceedings which affect only the personalty.

This Bill will give the heirs a decree which will be a record of the descent of the realty. The sections of the Bill are taken from the Code of Civil Procedure of California, sections 1581 to 1584 inclusive and sections 1664 to 1668 inclusive. This procedure has been in force in California since 1885 and we are informed has proved successful.

To adapt the proposed act to the needs of the Territory and to perfect the act, we recommend the following amendments:

In the first heading add, "And Administrators" after Executors, so as to read:

Powers and Duties of Executors and Administrators and management of Estates.

In Section 5, page 3, line 9, after the words "directing service of notice" add the words "by publication of summons to all whom it may concern, in a newspaper of general circulation not less than once a week for four successive weeks and by service of notice." This published notice is recommended to give additional publicity to the proceedings.

In Section 5, page 3, line 10, insert the word "nor" before "over" so as to read "not less than sixty days nor over four months."

In Section 5, page 4, line 32, after the words "persons not appearing as aforesaid," add the words "who shall not have appeared as aforesaid." These words added follow the original text of the California statute and make the meaning clearer.

In same Section 5, page 5, line 45, after the words "ordinary civil action" add the words "at law".

In line 47, after the words "disposed of in civil actions" add the words "at law".

In same Section, page 6, line 63, add the word "in" after the word "appearing" so as to read "so appearing in said proceeding."

In Section 6, page 7, line 14, strike out the word "of" and insert the word "or" so as to read "included in the order or decree".

Add to Section 7, page 8, after line 6, the following paragraph:

"Provided, however, that when it shall appear upon a petition to the court duly verified, made and filed by or on behalf of a claimant to the estate, within one year from the decree of

default made in accordance with Section five hereof, that such claimant has not been a party to such proceedings and has not had actual notice thereof, and that the claimant thereby has been unjustly deprived of an interest in the real property, as heir or devisee of deceased, and when it shall appear that the petitioner has a meritorious claim, the court may set aside the order of default and may reopen any decree following the said order. The claim so made shall be litigated in like manner as if it had been made within the time limited in said section."

The amendment allowing a claimant to reopen the decree is recommended to prevent any injustice and to allow one year to illiterate people to learn of any claim they might have to real property, and yet to enable any person dealing in real property to rely on the decree of distribution after that time.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

- Upon motion of Senator Quinn, seconded by Senator Knudsen, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Quinn presented the Report (No. 220) of the Committee on Accounts on the Expenses of the Session, up to and including the Thirty-ninth Day of the Session, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 7, 1909.

Hon. Wm. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Accounts begs leave to herewith present a report of monies expended by the Senate to and including Saturday, April 3rd, 1909, the 39th day of the Session.

Amount drawn from Territorial Appropriation.....	\$ 4,779.74
Amount drawn from Federal Appropriation.....	5,862.69
Total	<u>\$10,642.43</u>

The amount drawn from Territorial Appropriation..\$ 4,779.74

Is segregated as follows:

Compensation of Senators.....	\$ 3,999.90	
Printing	248.25	
Translating	120.64	
Laundry . . . . .	.50	
Typewriting	92.70	
Legal Services	175.00	
Trip to Diamond Head Forts.....	42.50	
Subscriptions to Newspapers.....	100.25	4,779.74
		<hr/>

The amount drawn from Federal Appropriations....\$ 5,862.69

Is segregated as follows:

Mileage of Senators.....	\$ 263.80	
Cost of remodeling Senate Chamber, Rail- ing, Committee Rooms, etc.....	1,536.99	
Printing	1,378.10	
Typewriting	434.52	
Salaries and Clerk Hire.....	1,694.50	
Postage	60.00	
Stationery, Printing of same, Typewriter Supplies, Office Supplies, Record Books, Member Cards, Committee Cards, Cable to President Taft, etc.....	474.78	
Committee Trip to Nuuanu Dam.....	20.00	5,862.69
		<hr/>

The average cost per diem of the necessary running expenses for 39 days of this Session, exclusive of Senators' compensation and permanent fixtures, \$130.91.

Balance on hand, Territorial Appropriation.....	\$15,220.26	
Balance on hand, Federal Appropriation.....	4,137.31	
		<hr/>
Total	\$19,357.57	<hr/>

Respectfully submitted,

E. W. QUINN,

Chairman.

PALMER P. WOODS,

W. T. ROBINSON.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild presented the Report (No. 221) of the Committee on Ways and Means on Senate Bill No. 128, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 7th, 1909.

Hon. Wm. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Ways and Means to whom was referred Senate Bill No. 128, entitled "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period Ending the Thirtieth Day of June, A. D. 1909," begs leave to report that it has had the same under careful consideration and recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

H. T. MOORE,
W. J. COELHO,
JOHN T. BROWN,
E. W. QUINN.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 128 entitled "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period ending the Thirtieth Day of June, A. D. 1909."

Upon motion of Senator Makekau, seconded by Senator Brown, the Bill passed Second Reading.

Second Reading of Senate Bill No. 135 entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers."

Referred to the Committee on Judiciary.

Third Reading of House Bill No. 155 entitled "An Act to Amend Section 73 of Act 39 of the Laws of 1905, Relating to Deputy Sheriffs."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fair-

child, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 156 entitled "An Act to Amend Section 128 of Act 118 of the Laws of 1907, Relating to Deputy Sheriffs."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 159 entitled "An Act for the Relief of the Volcano Stables and Transportation Company, Limited."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: Senator Knudsen—1.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 160 entitled "An Act to Amend Section 2944 of the Revised Laws as Amended by Act 7 of the Session Laws of 1907 and to Repeal Section 2945 of the Revised Laws and to Amend Section 2946 of the Revised Laws Relating to the Crime of Burglary."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 94 entitled "An Act to Amend Section 3018 of the Revised Laws Relating to Circulation of Commercial Paper."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Quinn—1.

Second Reading of House Bill No. 29 entitled "An Act to Amend Act 99 of the Session Laws of 1905, entitled 'An Act Providing for the Construction of Roads through and from Public Lands opened for Settlement'."

Upon motion of Senator Chillingworth, seconded by Senator Moore, the Bill passed Second Reading as amended.

Third Reading of House Bill No. 85 entitled "An Act Relating to Militia Enrollment."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Woods and Mr. President—10.

Noes: Senators Baker, Brown, Makekau and Woods—4.

Not Present: Senator Quinn—1.

At 4:42 o'clock, upon motion of Senator Makekau, seconded by Senator Harvey, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FORTY-THIRD DAY.

Thursday, April 8th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Kalama absent.

The Journal of the Forty-second Day was read and, upon motion of Senator Harvey, seconded by Senator Robinson, approved as read.

A Communication (No. 183) from the House of Representatives, returning Senate Bill No. 104, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 7, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 104, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend the title of said Bill to read as follows: "An Act to Authorize the Appropriation of Money for the Purpose of Paying the Unpaid Claims Against the County of Maui, Created by Virtue of Act 31 of the Session Laws of 1903."

Amend Section 1 of said Bill by striking out the first eight lines and inserting in lieu thereof the following:

"Section 1. The Board of Supervisors of the County of Maui is hereby authorized to appropriate the following sums amounting to One Thousand and Eighty-six and 7/100 (\$1,086.07) Dollars to be paid out of all moneys in the Treasury of said County received from current receipts, for the payment of all claims for services of all officers, elective and appointive, including incidental expenses, incurred by virtue of Act 31 of the Session Laws of 1903."

In line 3 of Section 2 strike out the words "subject to" and insert in lieu thereof the word "upon".

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 222) of the Majority of the Committee on Ways and Means on Senate Bill No. 123, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 8, 1909.

The Honorable W. O. Smith,
President of the Senate.
Honolulu.

Sir:—The majority of your Committee on Ways and Means to

whom was referred Senate Bill No. 123, has had the same under careful consideration, and begs leave to submit the following report:

The object of this Bill is to create a loan fund of \$1,669,492.82, to be expended for internal improvements in the different Counties as follows:

Island of Hawaii.....	\$ 278,398.39
Island of Maui.....	342,165.26
Island of Molokai.....	38,300.00
Island of Kauai.....	190,972.28
Island of Oahu.....	819,656.89
<hr/>	
Total	\$1,669,492.82

The present bonded indebtedness, all incurred since the date of Annexation, amounts to \$3,979,000.00, which has been expended as per the statement hereto attached.

Already the interest on the bonded indebtedness amounts to \$332,500.00 for the biennial period, and the passage of this Bill would result in a substantial increase in the amount of the yearly interest bill.

Your Committee has evidence that under the present system of expenditures of loan funds there has been unwise and extravagant expenditure of monies, and are led to believe that all monies requisite and necessary for the internal improvements of the various Counties should be raised either by the issuance of County bonds, or an increase of the tax rate sufficient to raise the necessary funds; the plan of increasing the tax rate for such purposes appeals to your Committee, especially if such extra tax is restricted to the purposes of internal improvements, and is safeguarded against squandering by means of salaries and other devious methods of wastefulness.

Under the present system of raising revenue for internal improvements, a general loan bill is an invitation for the people of each County to grab all it can from the common pot. Theoretically it is wiser to make each County responsible for its expenditures and the payment of its obligations. No one County or Municipality should be developed at the expense of another; otherwise there is no incentive for any one community to conduct its affairs along the lines of good business policy, when, indirectly, it must share the burden of extravagance or incompetency of another community which is run by incompetents.

Under the proposed plan of County Taxation the provident Counties will not need to increase their taxes and they should serve as arguments against the extravagant tendencies of other Counties.

When all the land or property holders of each County are directly taxed for their County improvements, inefficient and extravagant Boards of Supervisors will no longer be popular.

Under loan bills the burden is not personally felt by a large number of our tax-payers as it will be under an increase in the County tax rate as proposed.

We would therefore recommend that the Bill be tabled and the Act submitted herewith be introduced enabling the Counties to increase their present tax rate by $\frac{1}{4}$ of one per cent., if necessary, to provide a fund for the construction of the necessary internal improvements.

Respectfully submitted,

Committee on Ways and Means,
GEO. H. FAIRCHILD,

Chairman.

H. T. MOORE,

E. W. QUINN.

(SEE APPENDIX.)

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho presented the Report (No. 223) of the Minority of the Committee on Ways and Means on Senate Bill No. 123, as follows

SENATE CHAMBER,

Honolulu, T. H., April 8, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Minority Committee on Ways and Means to whom was referred Senate Bill No. 123, entitled "An Act Making Special Appropriations for the Use of the Territory of Hawaii During the Two Years which will end with the thirtieth day of June, A. D. 1911," begs leave to report that it has had the same under careful consideration and recommends the Bill pass with the following amendments:

1.—Amend the title to read:

An Act Making Special Appropriations for Public Improvements.

2.—Amend "Section 1" to read:

"Section 1. The following sums are hereby appropriated, for the objects hereinafter expressed, out of any available moneys now in the treasury or received by the treasurer before June 30, 1911, for or on account of loan fund:

Hilo Union School.	\$ 65,000.00
Hilo Water Works.	28,000.00
Kula Pipe Line.	100,000.00
Lahaina Court House.	25,000.00
Lahaina Armory.	7,000.00
Paia Court House and Jail.	13,000.00
Alterations, Repairs and Furniture, Judiciary Building.	75,000.00
Honolulu Wharf and Harbor Improvements	100,000.00
College of Hawaii.	125,000.00
Permanent Building, Boys' Industrial School.	12,000.00
Kapiolani Girls' Home.	15,000.00
Addition to Normal School.	8,000.00
Armory, on condition that the Federal Government Restores to the Territory the barracks lot or a sufficient and suitable part thereof for the Armory..	40,000.00
	<hr/> \$613,000.00

3.—Amend "Section 2" to read:

"Section 2. Any of the said appropriations may be paid out of the general revenues of the Territory in the discretion of the Governor."

4.—Amend "Section 3" to read:

"Section 3. The provisions of Act 62 of the Session Laws of 1909, shall apply to said appropriations to the same extent as if they were a part of this Act."

5.—Strike out "Sections 4 and 5" and renumber "Section 6" as "Section 4."

Respectfully submitted,

JOHN T. BROWN,
W. J. COELHO.

The Report was laid on the table to be considered with the Bill.

Senator Woods presented the Report (No. 10) of the Select Committee of Hawaii Members on Senate Bill No. 127, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 7, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee of Hawaii Members, to whom was referred Senate Bill No. 127, entitled "An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof,'" begs leave to report that it has had the same under careful consideration.

The Bill provides for increases in salaries of the County Clerk of the County of Hawaii, Deputy Sheriff of the District of North Hilo, Deputy Sheriff of the District of South Kohala and the Deputy Sheriff of the District of Hamakua, which in the opinion of your Committee are just and proper.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

PALMER P. WOODS,
Chairman;
JOHN T. BROWN,
R. H. MAKEKAU,
D. K. BAKER.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report of the Committee of the Whole on Senate Bill No. 8, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 7, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee of the Whole, to whom was referred Senate Bill No. 8 entitled "An Act to Provide for Nominations by Direct Vote," begs leave to report that it has had the same under careful consideration, and recommends its passage on Second Reading, with the following amendments:

Amend Section 3 by inserting a new subdivision, to be numbered (2) and to read as follows:

"(2) The inspectors of election of the various precincts shall act as inspectors of the primary election and shall receive like pay as for regular elections."

Insert the word "clerk" after the word "county" in line 1 of subdivision 4 of Section 4.

Strike out subdivisions 3 and 4 of Section 5.

Renumber subdivision 5 of said section, subdivision 3, and add at the end thereof the words "of the district in which the nominee is to be a candidate."

Insert a new subdivision to be numbered subdivision 4, and to read as follows:

"(4) After preparing his ticket the elector shall fold it in the same folds in which the same was handed to him and shall thereupon, without leaving the polling place, deposit it in the ballot box."

Amend Section 6, to read as follows:

"Section 6. All nomination papers shall be filed in the office of the Secretary of the Territory."

Strike out the words "filed in his office together with those certified" in lines 13 and 14 of Section 7, and insert in lieu thereof the word "transmitted."

Amend Section 8 by adding at the end thereof the words "provided that for the City and County of Honolulu, a space shall be provided for all officers to be elected in said City and County."

Amend the form of ballot in Section 8 by striking out the blank worded "Deputy Sheriff Vote for one."

Amend Section 10, so as to read as follows:

"Section 10. No person shall be entitled to vote at any primary unless he is a qualified elector of the precinct and duly registered therein."

Strike out the words "and party affiliation" in line 4 of Section 11.

Insert the word "and" between the word "name" and "residence" in the same line, and insert the words "each of the official ballots, which shall be of the same size and color, folded in a uniform manner so that the contents thereof shall be concealed. The voter shall proceed into one of the compartments provided for the purpose and therein mark one of the ballots. He shall then refold the ballots in the same folds as they were in when handed to him and return them to the inspectors. The marked ballot shall immediately be placed in the ballot box provided for the purpose and the remaining ballots shall then be placed in a separate box marked and designated as the blank ballot box. Immediately after the canvass the inspectors shall,

without examination, destroy the ballots deposited in the blank ballot box," after the words "judges shall give to him one" in line 9 of Section 11.

Strike out all of the balance of said Section from and including the words "and only one, primary ballot" in line 9.

Amend Section 14 by striking out the first three lines thereof and inserting in lieu thereof the following:

"(1) The candidate for each office on each party ticket receiving the highest number of votes shall be declared to be the party's nominee for such office and be entitled to have his name printed on the official ballot as a candidate for such office at the succeeding election."

Amend subdivision 2 of Section 15 by striking out the words "and the attorney general" in lines 1 and 2 thereof.

Strike out Section 17.

Strike out Section 18.

Renumber Section 19, Section 17, and at the end thereof, strike out the words "the cost of printing and publishing the platform of each party shall be borne by such party."

Renumber Section 20, Section 18, and insert the words "a nomination" in line 4 in place of the words "an election."

Renumber Section 21, Section 19.

Insert a new Section to be numbered Section 20, and to read as follows:

"Section 20. This Act shall take effect from and after the date of its approval."

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman, Committee of the Whole.

Senator Quinn moved that the Report of the Committee be adopted. Seconded by Senator Coelho.

Senator McCarthy moved that the Report of the Committee and the Bill be Indefinitely Postponed. Seconded by Senator Brown and carried on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy and Moore—8.

Noes: Senators Baker, Chillingworth, Kalama, Quinn, Robinson, Woods and Mr. President—7.

Senator Coelho offered the following Resolution (No. 53) requesting the Attorney General to file detailed report of all expenses incurred in prosecution of the case of the Territory of Hawaii vs. Abe:

RESOLUTION.

RESOLVED, that the Attorney General of the Territory be and he is hereby requested to forthwith file with the Clerk of the Senate a detail report of all expenses incurred by and through his Department for and on account of the prosecution of the case of the Territory of Hawaii vs. Abe.

W. J. COELHO,
Senator, 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Harvey and carried.

Senator McCarthy offered the following Resolution (No. 54) that the Committee on Ways and Means return to the Senate all Bills relating to transfer of Territorial functions to the Counties:

RESOLUTION.

RESOLVED, that the Ways and Means Committee present to the Senate all Bills, whether House or Senate, relating to the transfer of Territorial functions and income over to the Counties, so that the Senate can act intelligently in the premises.

C. J. MCCARTHY,
Senator, 3rd District.

Senator McCarthy moved that the Resolution be adopted. Seconded by Senator Coelho and carried.

The Senate proceeded under the head of Unfinished Business, with the consideration of Senate Bill No. 132 entitled "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911," on Second Reading.

Upon motion of Senator Robinson, seconded by Senator Brown, action was deferred until the other bills on the Order of the Day were disposed of.

Second Reading of Senate Bill No. 54 entitled "An Act to Amend Paragraph 22, Chapter V, Section 23, Act 118 of the Session Laws of 1907."

Upon motion of Senator Moore, seconded by Senator Baker, the Bill passed Second Reading.

Second Reading of Senate Bill No. 98 entitled "An Act to Encourage Saving Among School Children."

Senator Robinson moved to adopt the Report of the Committee on the Bill. Seconded by Senator McCarthy.

The President here called the Vice-President to the Chair.

Senator Baker moved that action on the Bill be deferred until Monday, April 12th, 1909. Seconded by Senator Smith and lost.

Senator Fairchild moved that the Bill be laid on the table. Seconded by Senator Coelho and lost on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Fairchild, Harvey, Knudsen, Moore and Quinn—7.

Noes: Senators Baker, Chillingworth, Kalama, Makekau, McCarthy, Robinson, Woods and Mr. President—8.

The motion to adopt the Report of the Committee on the Bill was then put and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Kalama, Knudsen, Makekau, McCarthy, Robinson, Woods and Mr. President—9.

Noes: Senators Brown, Coelho, Fairchild, Harvey, Moore and Quinn—6.

Second Reading of Senate Bill No. 103 entitled "An Act Defining the Powers and Duties of Representatives of Estates of Deceased Persons in the Management and Distribution thereof."

Senator Knudsen moved to strike out the words "for not appearing as aforesaid" in lines 45 and 46 of Section 5. Seconded by Senator Coelho and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended and as recommended by the Committee. Seconded by Senator Coelho and carried.

At 12 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Knudsen and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 184) from the House of Representatives, transmitting House Bill No. 194, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 194,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on
file.

First Reading of House Bill No. 194 entitled "An Act to
Provide for the Payment of Moneys derived from Fines, Costs,
and the Forfeiture of Bail before District Magistrates to the
Several Counties."

The Bill was read by title and, upon motion of Senator
Coelho, seconded by Senator Harvey, passed First Reading.

A Communication (No. 185) from the House of Representa-
tives, transmitting House Bill No. 195, was read by the Clerk
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 195,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 195 entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 186) from the House of Representatives, returning Senate Bill No. 83, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 83, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 74) from D. Kalauokalani, Jr., Clerk of the City and County of Honolulu, transmitting Resolution, adopted by the Board of Supervisors of the City and County of Honolulu, petitioning for the appointment of a Joint Committee of the Senate and House of Representatives to consider ways and means to obtain the present site of the Post Office for a Municipal Building, was read by the Clerk as follows:

OFFICE OF THE BOARD OF SUPERVISORS,

CITY AND COUNTY OF HONOLULU,

Territory of Hawaii.

Rooms 8 and 9, McIntyre Building.

Honolulu, T. H., April 8, 1909.

Honorable W. O. Smith,
President of the Senate,
Territory of Hawaii.

Sir:—I have the honor to forward to you, as herewith en-

closed, a resolution which was offered and adopted by the Board of Supervisors of the City and County of Honolulu at a regular meeting held on Tuesday, April 6, 1909.

Yours very respectfully,

D. KALAUOKALANI, JR.,
Clerk, City and County of Honolulu.

Honolulu, T. H., April 6, 1909.

RESOLUTION.

WHEREAS, The voters of the City and County of Honolulu at the first general election under the Charter approved by implication the proposition for a Municipal Building; and

WHEREAS, Such a building out of current Municipal revenues is out of the question, and out of a loan fund is too late in the day for the necessary legislation at the present Session of the Legislature; and

WHEREAS, There is a prospect that, before the present term of the Mayor and Supervisors expires, the Government of the United States will have erected a public building in Honolulu to accommodate among other Federal Offices the Honolulu Postoffice, thereby enabling the surrender back to the Government of the Territory the building now occupied by the Postoffice Departments;

THEREFORE RESOLVED, That the Mayor and Board of Supervisors of the City and County of Honolulu hereby respectfully petition the Senate and House of Representatives of the Legislature of Hawaii, that they appoint a joint committee of their Honorable Bodies to consider and report upon the advisability and ways and means of having the Territory transfer to the City and County of Honolulu the present Postoffice property, upon its surrender by the United States Government as above anticipated, for the purposes and uses of Municipal headquarters and offices for the City and County of Honolulu; and

FURTHER RESOLVED, That the City and County Clerk forthwith transmit copies of this resolution to the President of the Senate and the Speaker of the House of Representatives, respectively, signed by the Mayor and countersigned by the Clerk.

JOSEPH J. FERN,
Mayor, City and County of Honolulu.

Attest:

D. KALAUOKALANI, JR.
Clerk, City and County of Honolulu.

Upon motion of Senator McCarthy, seconded by Senator Coelho, a Select Committee consisting of Senators McCarthy, Chillingworth and Quinn was appointed to act with a similar committee to be appointed by the Speaker of the House of Representatives to consider said Resolution.

Under suspension of the Rules, Senator Woods presented the Report (No. 11) of the Select Committee of Hawaii Members on House Bill No. 167, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 8th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee of Hawaii Members, to whom was referred House Bill No. 167, entitled "An Act to Prohibit the Taking of Fish with Nets in the Waters of the Bay of Hilo," begs leave to report that it has had the same under careful consideration.

Your Committee finds that the Bay of Hilo is 4 miles long and $1\frac{1}{4}$ miles broad, and believe that if this Bill should become law a large fleet of patrolling vessels would be necessary to enforce the same. Your Committee therefore recommends that the Bill be laid on the table.

If, however, a majority of the Members of the Senate do not agree with the Members of this Committee, and this Bill should become law, your Committee recommends the insertion of a suitable amount in the Appropriation Bill to provide for its enforcement.

Respectfully submitted,

PALMER P. WOODS,
Chairman.

JOHN T. BROWN,
R. H. MAKEKAU,
D. K. BAKER.

Upon motion of Senator Kalama, seconded by Senator Chillingworth, the Report of the Committee was adopted.

Senator Coelho presented the Report (No. 224) of the Committee on Public Health on Senate Bill No. 86, as follows:

SENATE JOURNAL.

SENATE CHAMBER,

Honolulu, T. H., April 8, 1909.

Hon. Wm. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Public Health, to whom was referred Senate Bill No. 86, entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery," begs leave to report that it has had the same under careful consideration and recommends the same pass with the following amendments:

1. Insert after the word "that" in line 9 the words "when a duly licensed physician pronounces a person afflicted with any disease hopeless and beyond recovery."

2. Strike out all the words after the word "of" in line 11 down to the end of line 15 of the printed Bill, and insert in lieu thereof the following words "such afflicted person".

Respectfully submitted,

W. J. COELHO,
Chairman.

GEO. H. FAIRCHILD,
F. R. HARVEY.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho presented the Report (No. 225) of the Committee on Public Health on House Bill No. 164, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 8, 1909.

Hon. Wm. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Public Health to whom was referred House Bill No. 164, entitled "An Act to Provide for the Exam-

ination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine Such Persons and Defining their Duties," begs leave to report that it has had the same under careful consideration and finds that there are many doubtful and impracticable provisions which require a great deal of discussion to render the proposed Act feasible in its application to existing conditions.

Your Committee therefore recommends the Bill be referred to the Committee of the Whole.

Respectfully submitted,

W. J. COELHO,
Chairman.
F. R. HARVEY.

I recommend passage of the Bill without amendment.

GEO. H. FAIRCHILD.

Upon motion of Senator Coelho, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho presented the Report (No. 226) of the Committee on Public Health on Senate Bill No. 131, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 8, 1909.

Hon. Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Health to whom was referred Senate Bill No. 131, entitled "An Act to Amend Section 1103 of Chapter 91 of the Revised Laws of Hawaii," begs leave to report that it has had the same under careful consideration and recommends the Bill pass.

The object of the Bill is to remove the law which prevents a practical and good pharmacist who has not the good fortune to be a graduate of some College of Pharmacy, but who would otherwise pass creditably before an Examining Board.

Respectfully submitted,

W. J. COELHO.

We do not concur:

GEO. H. FAIRCHILD,
F. R. HARVEY.

Upon motion of Senator Coelho, seconded by Senator Harvey, the Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 117 entitled "An Act to Provide for the Payment of and Fixing the Rate of Interest upon all Amounts due and payable to the Territory of Hawaii and the Several Counties thereof and Declared Delinquent as Taxes, Rates and Assessments upon Persons, Property and Income, and Abolishing all Penalties for Non-Payment thereof."

Senator Robinson moved that the Report of the Majority of the Committee be adopted. Seconded by Senator McCarthy and carried.

Third Reading of Senate Bill No. 128 entitled "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period Ending the Thirtieth Day of June, A. D. 1909."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 29 entitled "An Act to Amend Act 99 of the Session Laws of 1905, entitled 'An Act Providing for the Construction of Roads through and from Public Lands opened for Settlement.'"

Senator Kalama moved that the Bill pass Third Reading as amended and as recommended by the Committee. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: Senator Makekau—1.

Second Reading of Senate Bill No. 138 entitled "An Act to Amend Act 62 of the Session Laws of 1909, Relating to the Expenditure of Public Money."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 143 entitled "An Act to Provide for the Establishment and Maintenance of the Library of Hawaii."

Upon motion of Senator Knudsen, seconded by Senator Kalama, the Bill was recommitted to the Committee on Ways and Means.

Senator Makekau moved to take Senate Bill No. 49 off the table to be considered in Committee of the Whole with House

Bill No. 74 and Senate Bill No. 132. Seconded by Senator Robinson and carried.

Senator Fairchild moved that House Bills Nos. 91 and 173 be returned to the Senate to be considered in Committee of the Whole on Friday afternoon, April 9th, 1909, at 3 o'clock. Seconded by Senator Moore and carried.

At 2:49 o'clock the Senate resolved itself into Committee of the Whole for the consideration of Senate Bill No. 132, House Bill No. 74 and Senate Bill No. 49 on Second Reading, Senator Knudsen in the Chair.

At 4:18 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again on Friday, April 9th, 1909.

Upon motion of Senator Coelho, seconded by Senator Quinn, the Report of the Committee was adopted.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 227) of the Committee on Judiciary on Senate Bill No. 138, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 8, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 138, entitled "An Act to Amend Act 62 of the Session Laws of 1909, Relating to the Expenditure of Public Money," begs leave to report that it has had the same under careful consideration, and would recommend the passage of the Bill amended to read as follows:

"AN ACT

TO AMEND SECTION 9 OF ACT 62 OF THE SESSION LAWS
OF 1909, RELATING TO THE EXPENDITURE OF PUB-
LIC MONEY.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9 of Act 62 of the Session Laws of 1909 is hereby amended to read as follows:

Section 9. This Act shall be in effect on and after July 1, 1909.

Section 2. All purchases made after the 3rd day of April, 1909, and prior to the approval of this Act are hereby legalized and the Auditor is hereby ordered to approve of the same.

Section 3. This Act shall take effect on the date of its approval."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Chillingworth, the Report of the Committee was adopted.

At 4:21 o'clock Senator Makekau moved to adjourn until 9 o'clock tomorrow morning. Seconded by Senator Coelho.

Senator Woods moved to adjourn until 7:30 o'clock tomorrow morning. Seconded by Senator Kalama.

Senator Quinn moved to adjourn until 10 o'clock tomorrow morning. Seconded by Senator Chillingworth.

The motion to adjourn until 10 o'clock tomorrow morning was then put and lost.

The motion to adjourn until 9 o'clock tomorrow morning, being put, carried.

WILLIAM SAVIDGE,

Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,

President of the Senate.

FORTY-FOURTH DAY.

Friday, April 9th, 1909.

The Senate met, pursuant to adjournment, at 9 o'clock.

After prayer by Senator Brown, the Roll was called showing Senators Kalama and Quinn absent.

The Journal of the Forty-third Day was read and, upon motion of Senator Robinson, seconded by Senator Woods, approved as read.

A Communication (No. 48) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 64 and 65 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii,

Honolulu, T. H., April 8, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—The honor falls upon me to inform your Honorable Body that the Governor on April 6, 1909, signed the following Bills:

House Bill No. 3, Act 64, An Act to Amend Section 1278 of the Revised Laws, as Amended by Act 87 of the Session Laws of 1905, Relating to Income Tax;

House Bill No. 50, Act 65, An Act to Provide For the Disposition of the Proceeds Arising From Agriculture and Industrial Pursuits in Certain Schools.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

A Communication (No. 49) from E. A. Mott-Smith Secretary of Hawaii, informing the Senate of the signing of Acts 66, 67 and 68 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii,

Honolulu, T. H., April 8, 1909.

Honorable W. O. Smith,
President of the Senate,

Legislature of Hawaii, Honolulu.

Sir:—I have the honor to inform your Honorable Body that the Governor has this day, April 8, 1909, signed the following Bills:

Senate Bill No. 116, Act 66, An Act to Amend Section 1 of Act 33 of the Session Laws of 1909 Entitled "An Act to Promote the Conservation and Development of the Natural Resources of the Territory Through Immigration and Other Means by Imposing a Tax on Incomes and Appropriating the Proceeds For Such Purpose;"

Senate Bill No. 118, Act 67, An Act to Amend Section 3032 of the Revised Laws of Hawaii;

House Bill No. 116, Act 68, An Act to Amend Sections 3, 4 and 5 of Act 104 of the Session Laws of 1907, Being "An Act to Provide For the Protection of Birds Beneficial to the Forests of the Territory of Hawaii, and to Define the Same."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

A Communication (No. 50) from C. R. Hemenway, Attorney General, replying to Senate Resolution No. 53, was read by the Clerk as follows:

OFFICE OF THE ATTORNEY GENERAL

THE CAPITOL, HONOLULU, HAWAII.

Honolulu, T. H., April 8, 1909.

William Savidge, Esq.,
Clerk of the Senate,
Honolulu, T. H.

Sir:—In compliance with your request of even date as to the expense connected with the case of Territory v. Y. Abe, I would advise that such expense is as follows:

Cable Expense:

1908.	Oct. 8,	Hemenway to Whitney.....	\$ 5.17
	Oct. 9,	Whitney to Hemenway.....	3.76
	Oct. 10,	Whitney to Hemenway.....	7.99
	Oct. 10,	Hemenway to Whitney.....	13.16
	Oct. 13,	Whitney to O'Brien, Tokio.....	24.00
	Oct. 23,	Whitney to Hemenway.....	5.17

Oct. 23, Hemenway to Whitney.....	2.35	
Oct. 26, Whitney to O'Brien, Tokio.....	11.52	
Nov. 3, Whitney to O'Brien.....	9.60	
Nov. 5, Hemenway to Whitney.....	6.58	
Nov. 9, Whitney to Hemenway.....	7.52	\$ 96.82

Traveling Expenses, C. A. Doyle:

1908. Oct. 22, Round Trip Ticket Honolulu- Yokohama for C. A. Doyle....	\$225.00	
Single Trip Ticket to Honolulu for Y. Abe.....	150.00	
Nov. 14, Cost of Extension of Round Trip Ticket	37.88	
Nov. 14, The Imperial Hotels, Limited, Tokio	4.00	
Dec. 23, The Grand Hotel, Limited, Yoko- hama	150.65	
1909. Feb. 11, Commission on Letter of Credit for C. A. Doyle.....	5.00	\$572.53

\$669.35

Very truly yours,

C. R. HEMENWAY,
Attorney General.

The Communication was ordered received and placed on file.
Senator Coelho presented the Report (No. 228) of the Com-
mittee on Public Health on Senate Resolution No. 52, as fol-
lows:

SENATE CHAMBER,

Honolulu, T. H., April 9th, 1909.

Hon. Wm. O. Smith,
President of the Senate.
Honolulu.

Sir:—Your Committee on Public Health to whom was referred
Senate Resolution No. 52, begs leave to report that it has had
the same under careful consideration and recommends its adop-
tion with the following amendments:

1. Strike out the following words in lines 9 and 10:

“all such persons who are to all appearances free from the disease of leprosy.”

2. Insert in lieu thereof the following:

“the following persons, namely: Kahele Kaua, Pinehaka Kalepa, Ioane Kaimu, ‘has, Wainui, Naiwi, Kaapuni, J. K. Alapai.”

Respectfully submitted,

W. J. COELHO,
Chairman.
F. R. HARVEY.

I concur in all except the last seven words of the Resolution.

GEO. H. FAIRCHILD.

The Report of the Committee was laid on the table to be considered with the Resolution.

Senator Coelho presented the Report (No. 229) of the Committee on Public Health on House Bill No. 138, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 9th, 1909.

Hon. Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Public Health to whom was referred House Bill No. 138, entitled “An Act Prohibiting the Sale of Certain Iced Fish,” begs leave to report as follows:

The provisions sought to be enacted into law are in the opinion of your Committee very proper as a safeguard against the sale of bad fish, etc. The continuance of the practice now in vogue in the Honolulu markets is a menace to public health and safety and should not be tolerated.

Your Committee therefore recommends the passage of the Bill with the following amendments:

Insert at the end of “Section 1,” the following paragraph:

“Nothing herein contained shall be construed to prohibit the placing in cold storage over night of akule or any other fish caught to be sold the day after the same was caught, provided,

however, that when once exposed or offered for sale, such iced fish shall not be placed in cold storage a second time.''

Respectfully submitted,

W. J. COELHO,
Chairman.

F. R. HARVEY,
GEO. H. FAIRCHILD.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Woods offered the following Resolution (No. 55) authorizing the Clerk of the Senate to compile the Journal of the Senate and providing for his compensation therefor:

RESOLUTION.

BE IT RESOLVED, that the Clerk of the Senate be, and he is hereby authorized and directed to proceed to compile the Journal of the Senate, Session of 1909, for which services he shall be allowed the following compensation:

For preparing the Original Copy of the Journal of the Senate to be filed with the Secretary of Hawaii, one copy thereof for the Printer, and one copy thereof for the Proof Reader, Seventy-five Cents (\$.75) per typewritten page; such compensation to be in full for all compiling, indexing and clerical duties to be performed after the adjournment of the Legislature sine die; and

BE IT FURTHER RESOLVED, that the said Clerk of the Senate be and he is hereby authorized to hire such proof-reader or proof-readers as may be necessary to complete the publication of said Journal, whose compensation shall be Seventeen and One-Half Cents (\$.17½) per printed page; and

BE IT FURTHER RESOLVED, that the Committee on Accounts of the Senate be, and they are hereby, directed to approve for payment all bills for such services as aforesaid.

PALMER P. WOODS,
Senator, 1st District.

Senate Chamber, April 9, 1909.

Senator Makekau moved that the Resolution be adopted. Seconded by Senator Fairchild and carried.

Senator Brown offered the following Resolution (No. 56) authorizing the Clerk of the Senate to advertise for sealed tenders for the printing and binding of the Journal of the Senate:

RESOLUTION.

RESOLVED, that the Clerk of the Senate be and he is hereby directed to forthwith advertise for sealed tenders for the Printing and Binding of the Journal of the Senate, Session of 1909, such sealed tenders to be addressed to the President of the Senate, and in accordance with specifications to be prepared by said Clerk of the Senate, with the approval of the said President of the Senate.

JOHN T. BROWN,
Senator, 1st District.

Senate Chamber, April 9, 1909.

Senator Woods moved that the Resolution be adopted. Seconded by Senator McCarthy and carried.

Senator Coelho offered the following Resolution (No. 57) authorizing the Clerk of the Senate to correct grammatical and orthographical errors in the compilation of the Journal of the Senate:

RESOLUTION.

BE IT RESOLVED, that the Clerk of the Senate be and he is hereby given discretion, in preparing the Journal of the Senate for publication, to correct all grammatical and orthographical errors.

W. J. COELHO,
Senator, 2nd District.

Senate Chamber, Honolulu, April 8, 1909.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Woods and carried.

Senator Coelho offered the following Resolution (No. 58) respecting Members speaking longer than 5 minutes at any one time without the unanimous consent of the Senate:

RESOLUTION.

RESOLVED, that no member shall speak longer than 5 minutes at any one time without the unanimous consent of the Senate.

W. J. COELHO,
Senator, 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Woods and carried.

The Senate proceeded under the head of unfinished Business with the consideration of Senate Bill No. 123, entitled "An Act Making Special Appropriations for the Use of the Territory of Hawaii during the Two Years which will end with the Thirtieth Day of June, A. D. 1911."

Senator Coelho moved to adopt the Report of the Minority of the Committee. Seconded by Senator Woods.

Senator Fairchild moved to adopt the Report of the Majority of the Committee. Seconded by Senator Knudsen.

Senator Robinson moved that further action on the Bill be deferred until Saturday, April 10th, 1909, and that the Clerk be instructed to furnish the Members with typewritten copies of the Bill as recommended by the Minority of the Committee. Seconded by Senator Brown and carried.

Third Reading of Senate Bill No. 86 entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

The President here called the Vice-President to the Chair.

Senator Coelho moved to adopt the recommendations of the Committee. Seconded by Senator Brown.

Senator Smith moved that consideration of the Bill be deferred until the Committee on Public Health reports on House Bill No. 165. Seconded by Senator Fairchild.

Senator Chillingworth moved to defer action on Senate Bill No. 86 to be considered in Committee of the Whole, together with House Bill No. 165, this evening at 7:30 o'clock. Seconded by Senator Makekau and carried.

The Senate proceeded with the consideration of Senate Bill No. 104 as amended by the House of Representatives.

Senator Coelho moved to concur in the amendments made by the House of Representatives. Seconded by Senator Brown and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of Senate Bill No. 54 entitled "An Act to Amend Paragraph 22, Chapter V, Section 23, Act 118 of the Session Laws of 1907."

Senator Knudsen moved to strike out the word "to" in line 2 of Section 1 after the figures "1907". Seconded by Senator Robinson and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—12.

Noes: Senators Chillingworth, Kalama and Mr. President—3.

Third Reading of Senate Bill No. 98, entitled "An Act to Encourage Saving Among School Children."

The Bill was lost on the following showing of Ayes and Noes:

Ayes: Senators Chillingworth, Kalama, Knudsen, Makekau, McCarthy, Robinson and Mr. President—7.

Noes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Moore, Quinn and Woods—8.

Third Reading of Senate Bill No. 103 entitled "An Act Defining the Powers and Duties of Representatives of Estates of Deceased Persons in the Management and Distribution thereof."

At 10:25 o'clock the Senate stood in recess subject to the call of the Chair.

At 10:29 o'clock the Senate reconvened.

Senator Coelho moved that Senate Bill No. 103 pass Third Reading. Seconded by Senator Chillingworth and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—13.

Noes: Mr. President—1.

Not Present: Senator Kalama—1.

Third Reading of Senate Bill No. 117 entitled "An Act to Provide for the Payment of and Fixing the Rate of Interest upon all Amounts due and payable to the Territory of Hawaii and the Several Counties thereof and declared delinquent as Taxes, Rates and Assessments upon Persons, Property and Income, and Abolishing all Penalties for the Non-Payment thereof."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—13.

Noes: Mr. President—1.

Not Present: Senator Kalama—1.

Under suspension of the Rules, Senator Brown presented the Report (No. 230) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 136, as follows:

Honolulu, T. H., April 9, 1909.

Honorable W. O. Smith,
President of the Senate,

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 136 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Third Reading of Senate Bill No. 138 entitled "An Act to Amend Section 9 of Act 62 of the Session Laws of 1909, Relating to the Expenditure of Public Money."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Kalama—1.

At 10:49 o'clock, upon motion of Senator Coelho seconded by Senator McCarthy, the Senate went into Executive Session for the consideration of the Message (No. 2) of the Governor relating to Appointments subject to confirmation.

At 11:25 o'clock, the Senate resumed open Session, the following action having been taken:

APPOINTMENTS CONFIRMED.

Superintendent of Public Works.

Marston Campbell.....November 1, 1907

Auditor.

Joseph H. Fisher.....November 25, 1907

Deputy Auditor.

Henry Clay Meyers.....June 14, 1908

High Sheriff.

William Henry.....October 21, 1908

Registrar of Conveyances.

Charles H. Merriam.....May 16, 1908

Board of Health.

Mark P. Robinson, President.....July 2, 1908

Frederick C. Smith.....May 17, 1907

James F. Morgan.....April 13, 1908

David Kalauokalani, Sr.....January 2, 1909

Commissioners of Agriculture and Forestry.

Marston Campbell, President.....January 26, 1909

Albert Waterhouse.....November 5, 1907

H. M. von Holt.....September 15, 1908

John M. Dowsett.....January 26, 1909

Commissioners of Immigration.

Ernest A. Mott-Smith, President.....August 15, 1908

Richard Ivers.....August 15, 1908

Commissioner of Public Archives.

George R. Carter.....October 15, 1907

Regents of the College of Agriculture and Mechanic Arts.

Ralph S. Hosmer.....September 10, 1907
 Henry E. Cooper.....April 13, 1908

Trustees Library of Hawaii.

William L. Whitney.....July 30, 1907
 Alonzo Gartley.....April 21, 1908

Honolulu Park Commission.

Walter M. Giffard.....August 8, 1908
 George P. Castle.....August 15, 1908
 Gerrit P. Wilder.....August 28, 1908

Medical Examiner.

A. N. Sinclair, M. D.....March 5, 1908

Dental Examiners.

C. B. High, D. D. S.....July 30, 1907
 A. J. Derby, D. D. S.....May 10, 1908

Board of Pharmacy.

Samuel S. Peck.....July 30, 1907
 William L. Moore, M. D.....July 30, 1907
 Ray B. Reedy.....July 30, 1907

License Inspectors.**County of Hawaii.**

William H. Greenwell, First Class.....July 13, 1908

County of Maui.

H. A. Baldwin, First Class.....June 12, 1907

County of Oahu.

Clarence H. Cooke, First Class.....June 20, 1908
 Norman Watkins, Second Class.....July 28, 1908
 Carlos A. Long, First Class.....November 6, 1908

County of Kauai.

Harry R. Smythe, Second Class.....September 13, 1907
 Augustus F. Knudsen, Second Class.....November 2, 1908

Prison Inspector, First Judicial Circuit.

Edward Davis.....June 12, 1907

APPOINTMENTS NOT CONFIRMED.

Attorney General.

Charles Reed Hemenway.....August 15, 1907

Treasurer.

A. J. Campbell.....April 13, 1908

License Commissioners.

County of Hawaii.

A. Lidgate, Second Class.....October 5, 1907

A Communication (No. 75) from Fred L. Waldron, President of the Merchants' Association of Honolulu, protesting against any change in the control of the Territorial Board of Health, was read by the Clerk as follows:

MERCHANTS' ASSOCIATION OF HONOLULU,

McCandless Building.

Honolulu, Hawaii, April 9, 1909.

The Honorable W. O. Smith,
 President of the Senate,
 Territory of Hawaii.

Dear Sir:—After canvassing the opinion of members, I wish to respectfully place this Association on record as being strongly opposed to any change being made as to the control of the Territorial Board of Health. Sentiment expressed by this and

other commercial bodies of the Territory show alarm at a possible conflict of authority which might occur at a critical moment should there be a subdivision of authority in any detail.

Trusting that this protest will have the consideration of your Honorable Body, I have the honor to remain,

Very respectfully,

FRED L. WALDRON,
President.

The Communication was referred to the Committee on Judiciary.

A Communication (No. 51) from Alfred S. Hartwell, Chief Justice, protesting against any reduction in the number of stenographers in the Supreme Court, was read by the Clerk as follows:

SUPREME COURT,
TERRITORY OF HAWAII.

Honolulu, T. H., April 9, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—The House Bill I understand reduces the clerical force available to the Supreme Court by two clerks whose salaries aggregate \$375.00 a month, and one stenographer, \$125.00, a total of \$500.00.

The associate justices and myself think that it is desirable to retain both stenographers. They have important duties such, for instance, as reading all the proofs not ordinarily required of stenographers, and can, when required, also act as assistant clerks.

Very respectfully,

ALFRED S. HARTWELL,
Chief Justice.

The Communication was ordered received and placed on file. Senator Coelho presented the Report (No. 231) of the Committee on Public Health on the Visit of the Committee and others to the Leper Settlement at Molokai, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 9, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—On the 2nd day of March last, during the present Session of the Legislature, your Health Committee conferred with a like Committee of the House as to proposed plans for the biennial tour of inspection of the Leper Settlement at Molo-kai. It was then decided that none, but the Members of both House and Senate, Physicians, Members of the Press, Board of Health and representatives of the Executive be permitted to accompany the party, a start to be made on the first convenient Saturday evening, weather permitting, returning on the following day, Sunday.

At this meeting the Clerk of the House Committee on Health and Police was appointed Clerk of the Joint Committee of both House and Senate to assist in the arrangement of details and report on matters connected with the trip.

Steamer accommodations came up for first consideration and it was found that by taking along not more than 100 persons the S. S. "Mauna Kea" could be secured for the same price that the S. S. "Kinau" was chartered for on the previous biennial inspection tour, to wit: \$550.00 for the round trip to Kalaupapa and return.

Your Committee proceeded upon an understanding that the House and Senate each take 50 tickets and each bear half of the expenses of the round trip.

The agreement with the Steamship Company was that every body be aboard at 10 o'clock sharp and arrive at the Settlement at daylight; that the Committee issue tickets to 100 people only for the price of the charter and that anybody allowed passage by the steamship people, the Committee had no right to put off the steamer or permit them admission to the Settlement. As to the moving out to the stream and the going away, that was distinctly up to the Steamship Company.

Appended to this report is a detailed list showing the names of those who received tickets and the disposition of each.

Your Committee is pleased to acknowledge the receipt for the lepers of many varieties of fruits, candies, groceries and periodicals of all kinds, many of the donors being unknown to us, but such as came through the hands of your Committee were contributed by Senator McCarthy, the Palm Cafe, Supervisor Wm. Kane, High Sheriff Henry, C. H. McBride, C. A. Brown,

The Paradise of the Pacific, The Hawaiian Gazette Company, The Evening Bulletin and Mrs. Coney.

A collection was also taken up later on at the Settlement from the members of the Legislative party amounting to \$41.00 which was turned over to Superintendent J. D. McVeigh for the use of the lepers and their children at his discretion.

Promptly at 10 o'clock Saturday evening, April 3, the good ship "Mauna Kea" left the wharf with the Joint Committee of the House and Senate in charge, consisting of Senators Coelho, Harvey and Fairchild, and Representatives Nakaleka, Kamanoulu and Kawewehi; the steamer lay off the harbor until 2 o'clock Sunday morning, arriving at Kalaupapa four hours later.

Before landing, your Committee requested the steamship people to blow the whistle at 3 p. m. to summon the passengers to the landing and aboard the boat. It was given out that as soon as the Committee was through with its work, it would leave the Settlement and depart for Honolulu.

Orders were given to the Members of the Committee and the Officers, Clerks and Assistants, not to give any orders to any person at the Settlement as the movements of the Committee and of the people were subject to the authority of the Board of Health.

The two surgeons of His Imperial Japanese Majesty's Cruisers in port were invited by the Committee to visit Kalawao, the Committee furnishing transportation for them which invitation was kindly interpreted by His Britannic Majesty's Commissioner, R. G. E. Forster, who also was invited.

The Members of the Committee, their working forces and special guests were provided for and your Committee was at the Baldwin Home, Kalawao, by 9 o'clock ready to hear the people of that section on the various petitions introduced into the Legislature on their behalf.

Senator Coelho opened proceedings with the consideration of Senate Petition No. 8, adopted at a Mass Meeting of the residents of the Leper Settlement:

1.—"That the weekly paiai ration be increased from 21 to 25 pounds."

The people stated positively that weekly ration should be 25 pounds as the 21 pounds allowance was insufficient.

2.—"That the Board of Health repair the cottages owned by lepers when they are in need of the same."

The people were unanimous on this point.

3.—"That Dr. Goodhue's monthly stipend be raised to \$300.00."

Pahiha was spokesman on this matter saying that this re-

quest was made on account of the efficient, untiring and faithful service of the doctor, the same being voiced on all sides of the Settlement.

4.—“That the laborers at Kalaupapa be paid at \$1.00 per day.”

They were satisfied to leave this to the Legislature to do what it thought best.

5.—“That the ration bill be increased to \$16.00 per annum.”

One, Isaac, being spokesman, said that the \$10.00 now allowed was insufficient and therefore the request was made.

6.—“That the amount of \$6,000.00 be appropriated for new cottages for lepers.”

This was also a matter which should be left to the Legislators.

7.—“That the meat ration be increased from 7 to 10 pounds a week.”

This request was made on account of the large quantity of bone served out with the meat.

8.—“That the goods at the store be sold at reasonable prices.”

An investigation showed that it is customary to add 10 per cent on the purchase price of goods in Honolulu to cover freight and other charges which practically is cost price.

9.—“That each patient receive 7½ cents’ worth of groceries from the Store a week besides the paiai ration.”

10.—“That a law be enacted authorizing the Governor to appoint a Commission Agent to introduce merchandise of all descriptions into the Settlement, and be paid a reasonable salary as may be fixed from time to time.”

Palikapu entered a protest against this on behalf of the people on the ground that he would be drawing a salary which might deprive them of some of their needs.

Senator Smith explained that there was no intention of taking the money out of the Board of Health appropriation, but that by buying through a purchasing agent, goods could be got cheaper by buying in large quantities.

11.—“That an appropriation of \$2,500.00 be made for supplying the lepers with stationery.”

They were informed that an amount of \$1,500.00 had already been inserted in the appropriation bill for stamps and stationery.

12.—“That an appropriation of \$6,000.00 be made for the roads in the County of Kalawao.

The request was urged by the people and taken under consideration by the Committee.

13.—“That \$600.00 be appropriated for the landing at Kalaupapa.”

They were informed that a measure in the Legislature providing for that is now under consideration and that estimates

are now being made on the spot by two competent persons accompanying the Committee.

14.—“That \$15,000.00 be appropriated for water pipes for the Settlement.”

This matter they were content to leave to the Legislature to do what it thinks best.

15.—“That the stipend of the Assistant Superintendent, J. K. Waiamau, be raised to \$150.00 a month.”

Senator W. O. Smith who had visited the Settlement many times explained that the Legislature would do what it could for them but it is confronted with the fact that the wants of the Government exceed the revenue.

Senator Fairchild came forward and extended to the people the Aloha of the Kauai people and said that the Ways and Means Committee of the Senate were alive to the needs of them in their suffering and wants to give them as much as possible. The Territory has not got the money to erect buildings like the Federal buildings over there.

Representative Douthitt said that the House proposes to do everything possible to ameliorate the conditions there and their wants are very carefully considered by the House and Senate as well, and both will do everything possible for the people of the Settlement consistent with economy. They have come to see your wants and will go back to do the right thing by you. State now what you want and we will go back and do what is right.

Senator Harvey was the next speaker and all those who understood Hawaiian were visibly moved by his remarks. They were not interpreted, so the gist of them is given herewith:

My Fellow Citizens:—I am almost a stranger to you, being a new member of the Legislature, but as a member of the Committee, it was my duty to take part in any investigation necessary in order to make proper provision for your maintenance.

From your appearance today, I am firmly of the opinion that if it is the Will of God that you should bear the marks of this dreadful disease from which you are now suffering, we are bound to submit ourselves to the Will of the Almighty Ruler and I am so happy in being able to be present, almost a stranger to you and meet you face to face and hear your voice, the voice of the people in affliction as you are. We are the representatives of the people who are to legislate measures beneficial not only to you afflicted ones but also to all persons in our beloved land, therefore, having learned the causes which prompted you to petition the Members of the Legislature, I am fully convinced and firmly believe that no member of the Senate or the House would raise a dissenting voice against granting needed provisions for the ameliorating of your conditions.

Therefore, realizing the great sufferings that you are enduring I humbly pray the Almighty God to bless you with his relief and us with his guidance until he wills that we should return to the dust from whence we came, for it is said "dust to dust, ashes to ashes"

I thank you for your attention. Aloha.

Representatives J. K. Kamanoulu and H. L. Kawewehi, followed the previous speaker with assurances that they would do all they could to relieve them and carry out their wants.

Senator Fairchild wished to talk on the financial conditions that confronted both Houses. In the estimates of the Governor for the next biennial period, appear

Revenues of the Government (estimated).....	\$3,300,000.00
Appropriations asked.	3,226,000.00

leaving almost next to nothing for needed improvements.

The object is to economize in the different departments so that improvements can be provided for. The plan is to combine departments and save salaries and if this plan goes through, about \$200,000.00 will be available to which people here will have first call. The people outside can look after themselves. If they lose one position, they can go and look after another, but it is you sick people here that we have to provide for.

You deserve our sympathy and shall have it. Our idea is to give you what comforts you are entitled to and make you more happy.

Representative D. Kamaku was the next speaker, saying that he was refused permission to take along relatives of the people at the Settlement by the Chairman and Clerk of the Health Committee of the House and thought it was on account of his being a Democrat.

Senator W. J. Coelho replied that the last speaker was greatly mistaken, the fault not being that of the Chairman or Clerk of the House Committee, the issuance of all tickets to the persons invited by the individual members were made directly by order of the members. Those who came before the Committee and attended to their tickets, got them without trouble; those who did not come before the Committee, it was presumed that they did not want the people they had invited to get tickets, although the Board of Health permits had already been obtained. These tickets were given only to those who had relatives at the Settlement.

Representative H. M. Naniho said that he was glad that we now had a law which was introduced in the House and had passed Third Reading, providing for a Hospital for the Treat-

ment of Leprosy and prays that a doctor will be found who can effect a cure for leprosy.

In referring to Petition No. 29 presented to the House by himself, Representative Kaniho said that he favored an appropriation for the purpose of purchasing fire wood for the lepers but was opposed to the appropriation of \$8,000.00 for the purchase of milk cows.

Following are the items of the petition:

1.—That the sum of \$20,000.00 be set aside for the support, maintenance and salaries to be paid to the nurses, etc., of the Puah, Kalaupapa Hospital for Children, and that the Matron be paid a monthly salary of \$100.00 and nurses from \$20.00 a month upwards according to their respective positions and as recommended by the Matron.

2.—That an appropriation of \$6,000.00 be inserted in the appropriation for the Board of Health, for the Police Department of the County of Kalawao and that said appropriation be under the supervision of the Sheriff of said County; and that the salary of said Sheriff be raised to the sum of \$100.00 per month and Police Officers to be paid at \$30.00 each, per month.

3.—That the sum of \$4,000.00 be appropriated for the purpose of purchasing fire wood for the lepers and that each leper be given $\frac{1}{4}$ cord of split wood for each and every month.

4.—That each leper be given a paiai of 21 pounds and a ticket of 70 cents with which to buy goods from the store each and every week.

5.—That the sum of \$8,000.00 be appropriated for the purpose of purchasing milk cows for the Leper Settlement.

6.—That the sum of \$16.00 be given to each and every leper per annum, to be paid at the rate of (\$4.00 per quarter for clothes ration.)

7.—That the sum of \$2,000.00 be appropriated to erect an ice house with machinery for the purpose of making ice, said machinery to be of a capacity so that they will turn out from 500 to 1000 pounds per day and all expenses connected with the above to be taken out of this appropriation, and that said ice be sold at $\frac{1}{4}$ cent per pound to the lepers only.

8.—That all laborers of the Board of Health be paid at \$1.00 per day and mechanics at \$2.50 or more per day, according to their abilities or work to be done.

9.—That the appropriation for the Leper Settlement be increased to \$250,000.00 for two years.

10. That the appropriation for the store be increased to \$70,000.00.

The people of Kalawao here expressed their confidence in the Legislature and said that they would leave it to them to do what is right.

Petition No. 13, presented to the House by Representative E. L. Like, asking that goods furnished by the Board of Health to the Molokai Store be sold at cost price to the lepers was passed over, the same having been under consideration when Senate Petition No. 8 was discussed.

Representative Carley agreed with all that had been said and promised to carry out all that is possible to do. Mr. H. P. Baldwin, founder of the Home, had asked him to express his Aloha to them.

Representative Nakaleka was next speaker and said that the House had appropriated \$196,020.00 for the care of lepers; \$1,500.00 for stamps and stationery; and \$1,500.00 for the free transportation of goods to and from Kalaupapa for the lepers, and with the unanimous consent of the members these appropriations have passed the House.

Representative Nawahine spoke saying that he had received the highest number of votes from this district, being 200, and promised to do his best for them. He said they should look to God for the remedy, consider the soul; time is not theirs, it's God's. Today you are happy and tomorrow dead.

Senator W. J. Coelho asked if they had any complaints to make against Superintendent J. D. McVeigh, there being certain rumors that they had. A unanimous chorus of "noes" was the reply. One of the people saying that he is a man that explains everything to us, and tells us what the Legislature is doing.

Kiha (k) asks that provision be made for a building at Kalihi where their boys there could be taught manual training.

This ended the meeting at Kalawao and your Committee repaired to the home of Superintendent J. D. McVeigh, taking in the slaughter house on the way. This building and the surrounding ones were found to be beyond the stage of repair and your Committee considers that the amount of \$1,800.00 in the Board of Health estimates could be spent to advantage here, but that the item should read: Slaughter House, Hide House, Pig Pen and Other Improvements, \$1,800.00.

This suggests another improvement that is very much needed, a house for the jailor at Kalaupapa who at present sleeps in a cell along with a leper. It is estimated that \$500.00 would be sufficient for such a house.

The pali trail from the Settlement to the head of Kalae flats needs attention. Seven hundred and fifty dollars appropriated for the next biennial period would put this in good condition. The mail man uses this trail four times a week and should the Legislature two years hence decide to do away with the chartering of a special steamer for this biennial inspection custom, the members would probably take the route via Kaunakakai overland entering the Settlement where this trail now is.

After partaking of lunch, another meeting was held at the Kalaupapa Band Stand and the same petitions presented at Kalawao were discussed here, with the same results. They wanted an increase in the paiai ration to 25 lbs.

The private homes of the lepers to be repaired by the Board of Health;

Dr. Goodhue's salary raised for the same reasons given at Kalawao;

A raise in the salary of the Deputy Sheriff who acts as Assistant Superintendent;

A raise in the yearly allowance to lepers to \$16.00;

A raise in the salary of the District Magistrate from \$20.00 to \$60.00 per month, and

A raise in the salary of \$5.00 per month for the man who distributes poi, beef and fish, as he does lots of work.

They were opposed to the item of \$8,000.00 for the purchase of more cows, as there were plenty in the Settlement.

Senator Fairchild spoke, saying:

After setting out the financial situation as was done by him in Kalawao.

Our sympathies are with you and we must take care of you and you are entitled to our intelligent sympathy. There is no need for us to feed you up on any false promises. It is up to the House and Senate to relieve you. The government budget left nothing over. We must economize in order to grant your requests and relieve the necessities which are apparent on every side here. We had to close our ears to the voice of the office holders and open them to you here.

The idea of having a Purchasing Agent is to let one man buy the best and cheapest at wholesale, instead of five men buying at retail prices as now. The cheaper we can buy the more you can get.

Governor Frear is interested in the economy of the government, but one of the most necessary matters is the treatment of the people in this district. At last \$200,000.00 will be saved by economizing of which you will be entitled to your share.

Ask only what you think is necessary for your comfort and care and for the repair of your homes. You have first call. We will try to save enough to grant as many of your requests as we can.

Senator W. O. Smith was the next speaker:

Have been thirty-one years constantly visiting this place at the time of Kamehameha V, Lunalilo, Kalakaua, Liliuokalani, the Republic and now the Territory of Hawaii and have worked hard for your welfare. Now it is not like it was before. You are doing well; the government is doing great things for schools,

where there are about 20,000 children in attendance; hospitals and the Insane Asylum also; but we have not enough money for everything.

Clothes and blankets are better than ice. It is more important to find a remedy to cure leprosy and a Bill has just come into the Senate from the House providing for a hospital for such purpose.

It is very important to prevent our children from coming here. We are doing what we can. You are to be complimented on the self-restraint, the spirit of resignation and quiet with which you bear your troubles.

Next came a visit to the Bishop Home where every one was kindly received by Sister Marianne and others in charge. After listening to a few songs, prettily rendered by the girl inmates, and a brief farewell, your Committee repaired to the Infant Nursery, a new institution and modern in equipment. There was nothing needed here.

The Bay View Home was next visited where amongst the inmates were found several white people. Opportunity was taken here in the absence of the Superintendent to find out if they had any complaints to make against J. D. McVeigh, but like the others, they were loud in their praises of not only J. D. McVeigh, but also Dr. Goodhue.

From here your Committee went to the Dispensary, where Dr. Goodhue was found with two inmates anxious to learn whether there were still symptoms of leprosy in their system. Samples of the blood of each were taken and an examination will disclose their condition in a day or two. They are Keliiahonui (k) and Augusta Freitas, a girl of some 17 summers.

This finished the inspection part of your Committee and by 3:30 o'clock p. m., of the same day, the S. S. "Mauna Kea" departed with all on board for Honolulu, arriving at about four hours later.

Appended to this report are certain statistics concerning the persons connected with the Leprosy Establishment March 31st, 1909.

Your Committee would recommend that an item of \$250.00 be inserted in the Appropriation Bill to reimburse O. F. Tollefsen for the loss of his sloop "Volante" March 29th, 1902, at Wai-kolu, Molokai. He had loaned the sloop without charge to Superintendent McVeigh who was anxious to secure paiai for the Settlement and to meet the Legislature which was due to arrive at Kalaupapa in a day or so.

Several people of the Settlement requested members of your Committee to secure a Hall or Pavilion where Moving Pictures exhibitions might be given. The idea was to have a building

not less than 70 feet long with a stage at one end and planned to protect the audience from rain and yet allow a free circulation of air. We do not recommend that the Territory provide this, but that some person who has reaped a rich harvest in this world's goods in these islands be philanthropic enough to assist them.

A malihini, Dr. Wile, gave the lepers a band stand. There is now a good opportunity for some kamaaina to come forward and make himself a name that will be blest for ages to come.

Memorandum of Tickets issued by the House of Representatives for the trip of inspection to the Settlement at Molokai, April 3rd, 1909:

Members Taking Passage—In All..... 15
Representatives

G. F. Affonso
E. B. Carley
E. A. Douthitt
M. T. Furtado
Geo. H. Huddy
D. K. Kama
D. Kamahu
J. K. Kamanoulu
H. M. Kaniho
H. L. Kawewehi
M. K. Kealawaa
E. L. Like
M. K. Makekau
J. Nakaleka
R. J. K. Nawahine

Members Transferring Tickets—In All..... 8
Representatives:

H. L. Holstein to Miss Rose
A. D. Castro to Mr. Nacemento
J. H. Coney to Dr. Sugimoto
A. S. Kaleiopu to W. Paikuli
J. W. Kawaakoa to C. K. Kiilehua
R. W. Shingle to H. Kahale
C. A. Rice to Dr. Suzuki
S. P. Correa to Mrs. J. Aholo

Members Whose Tickets Were Not Used—In All..... 3
Representatives:

J. C. Cohen
Ruel Kinney
W. J. Sheldon

House Working Force.....	2
Clerk, T. R. Mossman	
Interpreter, W. H. Beers	

Executive and Board of Health Officials, Etc. (House ½ Share)	15
Mr. C. H. McBride	
Mr. M. P. Robinson	
Mr. D. Kalauokalani, Sr.	
Dr. Wayson	
Mr. W. K. Simerson	
Miss Mae Weir	
High Sheriff Henry	
Sister Benedicta	
Miss Rose Peck—Kapiolani Girls' Home	
Miss Virginia Rodrigues—Kapiolani Girls' Home	
Mr. Thos. Nahiwa—Teacher of the Kalihi Boys' Home	
Dr. Gibson	
Mrs. Dr. Warne	
Mr. R. O. Matheson (P. C. Advertiser)	
Mr. Pedro J. Coito (Lusitania Society)	

Guests of Members—In All.....	7
Miss Hedwig Holstein	
Mr. Peter Aiau	
Mrs. H. M. Kaniho	
Mrs. J. Nakaleka	
Mrs. Ruel Kinney (not called for)	
Mrs. H. L. Kawewehi (transferred to R. Lono)	
Mrs. J. K. Kamanoulu	

Making the total number of tickets issued.....	50
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Memorandum of Tickets issued by the Senate for the trip of Inspection to the Molokai Settlement, April 3rd, 1909:

Senators Taking Passage—In All.....	8
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Senators:

D. K. Baker	
F. R. Harvey	
C. J. McCarthy	
H. T. Moore	
E. W. Quinn	
Geo. H. Fairchild	
J. T. Brown (transferred his ticket to Miss Pokini)	
R. H. Makekau. (ticket not used).....	1

Officers and Clerks of the Senate—In All	6
George K. Lowe	
P. N. Kahokuoluna	
Rev. J. Kalino	
Chas. H. Clark	
A. N. Cederlof	
J. H. Coney, Jr. (temporary)	
Press Members	6
Mr. A. C. H. Elder (transferred to E. P. Irwin)	
Mr. P. R. Bartlett (S. F. News Letter)	
D. Logan (Hawaiian Star) transferred to I. Cockett by the Committee, he not appearing	
J. M. Poepoe (Kuokoa Home Rula)	
A. M. Cabrinha (A Setta of Hilo)	
Supervisors—In All	5
W. Ahia (not used)	
Wm. Kane	
W. H. McClellan	
A. Cox (transferred to Victor Lappe)	
R. W. Aylett (transferred to D. Naiole)	
Connty Clerk	1
D. Kalauokalani, Jr. (transferred to E. Stiles)	
Doctors	3
Dr. O'Day	
Dr. Cooper	
Dr. Freitas	
Breakwater Inspectors	2
Mr. J. H. Wilson	
Mr. J. Lucas	
Guests of the Senate	20
H. B. M's. Commissioner R. G. E. Forster	
Ex-Governor Carter (transferred to E. Henriques)	
Mr. A. L. C. Atkinson	
Mr. Geo. C. Beckley	
Mr. Wm. Mutch	
Mr. P. A. Victor	
Mr. J. Clark	
Mr. M. de Coto	

Mr. A. S. Dias
 Mr. C. A. Brown
 Mr. T. P. Melin
 Mr. S. Kaneo (transferred to H. Kaauwai)
 Mele Unea
 Pua Unea
 Miss Poaha
 D. Notley
 H. A. Juen (transferred to Ah Oi)
 J. Prendergast
 Mr. G. J. O'Neill
 Mr. H. Van Giesen
 Mrs. S. Mahaulu

 46

Of the above Dr. Cooper, J. Lightfoot, J. Clark and M.
 de Coto occupied berths of those failing to turn up 4

 50

Total number of persons connected with the Leprosy Establishment, March 31, 1909:

Lepers.	752
Kokuas.	48
Non-leprous children.	14
Other well persons.	30
 Total.	 844

Number of visitors permitted to enter the Visitors' Compound during three months:

	Male.	Female.	Total.
	1	6	7
Number of lepers living at the Settlement			
December 31, 1908.	476	294	770
Number admitted during three months. . . . .	...	...	...
 Total.	 476	 294	 770
 Sent to Kalihi Station.	 1	 1	 2
Number of deaths during three months.	8	8	16
 Total.	 9	 9	 18
 Number living at Settlement March 31, 1909	467	285	752

DEATHS.

	Male.	Female.	Total.
Hawaiian.	7	8	15
Dane.	1	...	1
	<hr/>	<hr/>	<hr/>
Total.	8	8	16
	<hr/>	<hr/>	<hr/>

Number of lepers living at the different
Homes:

	Male.	Female.	Total.
Bishop Home. . . . .	...	78	78
Baldwin Home.	92	...	92
Bay View Home.	33	11	44
Outside lepers.	342	196	538
	<hr/>	<hr/>	<hr/>
	467	285	752
	<hr/>	<hr/>	<hr/>

NATIONALITY OF LEPERS.

	Male.	Female.	Total.
Hawaiian.	382	276	658
American.	8	...	8
British.	1	...	1
German.	3	3	6
French Canadian.	1	...	1
Swede.	1	...	1
Hollander.	1	...	1
Portuguese.	21	6	27
Japanese.	4	...	4
Porto Rican.	2	...	2
Chinese.	40	...	40
Filipino.	1	...	1
South Sea Islander	1	...	1
Russian.	1	...	1
	<hr/>	<hr/>	<hr/>
	467	285	752
	<hr/>	<hr/>	<hr/>

KOKUAS.

	Male.	Female.	Total.
Number living at Settlement, December 31, 1908.	25	23	48
Number admitted during three months. . . . .	...	...	...
Number of deaths during three months. . . . .	...	...	...
Number discharged during three months. . . . .	...	...	...
Number living at Settlement December 31, 1909.	25	23	48
	<hr/>	<hr/>	<hr/>

NON-LEPROUS CHILDREN.

Number living at Settlement March 31,			
1908.	9	10	19
Number births during three months.	2	3	5
	<hr/> 11	<hr/> 13	<hr/> 24
Number of deaths during three months.	3	5	8
Number discharged during three months.		2	2
	<hr/> 3	<hr/> 7	<hr/> 10
Number living at Settlement March 31,			
1909.	8	6	14
Other well persons living at Settlement, De-			
cember 31 1908.	18	18	36
Number discharged during three months.	4	2	6
Number living at Settlement March 31, 1909	14	16	30

Other well persons of the Settlement are composed of:

	Male.	Female.	Total.
Superintendent.	1	...	1
Resident physician and wife.	1	1	2
Franciscan Sisters. . . . .	...	5	5
Servant to Sisters. . . . .	...	1	1
Priests.	2	...	2
Brothers.	4	...	4
Lay Brothers.	2	...	2
Japanese servants.	3	6	9
Protestant Minister's wife. . . . .	...	1	1
Keeper U. S. Light Station and wife.	1	1	2
Matron. . . . .	...	1	1
	<hr/> 14	<hr/> 16	<hr/> 30

The foregoing report, with its recommendations and statistics concerning the Leper Settlement, your Committee believes that this visit of Sunday last will be productive of some good and a better understanding of conditions over there.

Respectfully submitted,

W. J. COELHO,
Chairman.

F. R. HARVEY,
GEO. H. FAIRCHILD.

The Report of the Committee was ordered received and placed on file.

A Communication (No. 187) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 29, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 9, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 29.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 188) from the House of Representatives, transmitting House Bill No. 189, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 189, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 189 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof'."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator Chillingworth, passed First Reading.

A Communication (No. 189) from the House of Representatives, returning Senate Bill No. 93, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 93, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 190) from the House of Representatives, returning Senate Bill No. 105, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 105, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend Section 1 of said Bill by striking out the first nine lines and inserting in lieu thereof the following:

"Section 1. The Board of Supervisors of the County of Hawaii is hereby authorized to appropriate the following sums amounting to Nine Hundred and Thirteen 69/100 (\$913.69) Dollars to be paid out of all moneys in the Treasury of the said County, received from current receipts, for the payment of all claims for services of all officers, elective and appointive, including incidental expenses, incurred by virtue of Act 31 of the Session Laws of 1903."

In line 17 on page 2 of Section 1 strike out the words and figures "Dan Kahooio \$16.12" and insert in lieu thereof the words and figures "W. G. Walker \$16.12."

Insert a new line after the line "W. G. Saffrey \$32.25" to read as follows: "Wm. Nailima, Jr. \$18.00."

Amend the total amount under the heading "Road Supervisors" to read "\$98.62" instead of "\$80.62."

In line 8 on page 4 of Section 1 strike out the figures "\$916.35" and insert in lieu thereof the figures "\$913.69."

In line 3 of Section 2 strike out the words "subject to" after the word "Act" and insert in lieu thereof the word "upon."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file, and further action on the Bill deferred until Saturday, April 10th, 1909.

Second Reading of House Bill No. 157 entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii Relating to Public Shows."

Upon motion of Senator Moore, seconded by Senator Quinn, the Bill was recommitted to the Committee on Ways and Means.

Second Reading of House Bill No. 170 entitled "An Act to Provide for Refunding Bonded Indebtedness of the Territory of Hawaii."

Upon motion of Senator Fairchild, seconded by Senator Baker, the Bill passed Second Reading.

Second Reading of House Bill No. 177 entitled "An Act to Amend Section 23 of an Act entitled 'An Act Incorporating the City and County of Honolulu,' Being Act 118 of the Session Laws of 1907."

Upon motion of Senator McCarthy, seconded by Senator Chillingworth, the Bill passed Second Reading.

At 11:50 o'clock Senator Chillingworth moved to take a recess until 2 o'clock. Seconded by Senator Makekau and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Senator Coelho moved to reconsider the action taken on Senate Bill No. 86. Seconded by Senator Harvey and carried.

Senator Coelho moved that action on the Bill be deferred. Seconded by Senator Harvey and carried.

Senator Makekau moved to reconsider the action taken on Senate Bill No. 105. Seconded by Senator Coelho and carried.

Senator Makekau moved to concur in the amendments made by the House of Representatives. Seconded by Senator Coelho and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—12.

Noes: 0.

Not Present: Senators Brown, Chillingworth and Fairchild—3.

Second Reading of Senate Bill No. 127 entitled "An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof'."

Upon motion of Senator Makekau, seconded by Senator Woods, the Bill passed Second Reading.

Second Reading of Senate Bill No. 131 entitled "An Act to Amend Section 1103 of Chapter 91 of the Revised Laws of Hawaii."

Senator Knudsen moved that further action on the Bill be deferred until Saturday, April 10th, 1909. Seconded by Senator Makekau and carried.

Under suspension of the Rules, Senator Brown presented the Report (No. 232) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 137, as follows:

Honolulu, T. H., April 9, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing

begs leave to report Senate Bill No. 137 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.
E. W. QUINN,
C. J. McCARTHY..

The Report of the Committee was ordered received and placed on file.

Second Reading of House Bill No. 194 entitled "An Act to Provide for the Payment of Moneys derived from Fines, Costs and the Forfeiture of Bail before District Magistrates to the Several Counties."

Referred to the Committee on Ways and Means.

Senator Knudsen moved that Senate Bill No. 135 be referred to the Committee on Ways and Means. Seconded by Senator Harvey and carried.

Second Reading of House Bill No. 195 entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 136 entitled "An Act to Amend Section 1728 of the Revised Laws of Hawaii, Relating to Proof and Entry of Defaults Against Defendants in Civil Actions."

Referred to the Committee on Judiciary.

Second Reading of Senate Bill No. 137 entitled "An Act Relating to Balances of Road Tax Money in the Treasury of the Territory of Hawaii."

Referred to the Committee on Ways and Means.

The Senate proceeded with the consideration of Senate Resolution No. 52, relating to the return of certain persons from the Leper Settlement to Honolulu for examination.

Upon motion of Senator Coelho, seconded by Senator Harvey, the Report of the Minority of the Committee was adopted.

At 2:34 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of House Bill No. 74, Senate Bill No. 132 and Senate Bill No. 49 on Second Reading, Senator Knudsen in the Chair.

At 4:25 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

A Communication (No. 191) from the House of Representatives, transmitting House Bill No. 197, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 9, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 197, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 197 entitled "An Act to Appropriate Money for the Relief of the Hilo Electric Light Company, Limited."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading.

At 4:30 o'clock Senator Coelho moved to adjourn until 9 o'clock tomorrow morning. Seconded by Senator Makekau and carried.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FORTY-FIFTH DAY.

Saturday, April 10th, 1909.

The Senate met, pursuant to adjournment, at 9 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth, Kalama, Knudsen, Moore and Quinn absent.

The Journal of the Forty-Fourth Day was read and, upon motion of Senator Robinson, seconded by Senator Brown, approved as read.

Senator McCarthy offered the following Concurrent Resolution (No. 8) memorializing the Congress of the United States to enact a Special Homestead Law for the Territory of Hawaii:

CONCURRENT RESOLUTION.

WHEREAS, there are four different plans provided by statute whereby a citizen of the United States, residing in Hawaii, may acquire a so-called homestead upon the public lands of this Territory, viz:

Nine Hundred and Ninety-Nine Year Lease,
Right of Purchase Lease,
Cash Freehold,
Settlement Association, and

WHEREAS, the nine hundred and ninety-nine year lease is obnoxious to every American citizen and resented by Hawaiians who are entitled to equal rights with all other citizens, and this plan having proven to be a pronounced failure as shown by the small area and small number of holdings taken under it, and

WHEREAS, after severely criticizing the law relating to Right of Purchase Lease (Section 322, R. L.), and also as to Cash Freehold, (Section 326, R. L.), the Land Advisory Board appointed by the Governor just prior to the last election, in its report on page 5, says:

"The Commission therefore recommends that the method of sale under Right of Purchase Lease and Cash Freehold be utilized to only a very limited extent, and then only under conditions where its provisions can not be abused." And

WHEREAS, the Governor has practically withdrawn all the public lands from the operation of law relating to Settlement Associations, for the reason that speculation is said to be prac-

ticed under it, and the Governor, before the United States Committee on Pacific Islands and Porto Rico, December 11th, 1908, referring to the Settlement Association provision, said:

"This has not fulfilled its purpose, but has been the method by which the greatest abuses have been practiced." And

WHEREAS, it is self-evident that all the statutory provisions of law relating to the disposition of the public domain in the Territory of Hawaii for homesteads, and the upbuilding of a citizen class of home owners, "who themselves till the farms they own," have proven to be pronounced failures after about fourteen years' trial and evidently will continue in failing to fulfil such purpose;

THEREFORE BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Congress of the United States be, and it is hereby, memorialized and requested by the Legislature of the Territory of Hawaii to enact a special homestead law for this Territory in compliance with the promise so to do incorporated in the Resolution of Annexation, and the following form of an Act for such purpose is hereby recommended.

C. J. McCARTHY,

Senator, 3rd District.

A BILL

TO PROVIDE SPECIAL LAND LAWS FOR THE TERRITORY OF HAWAII.

Be it Enacted by the Senate and House of Representatives of the
United States in Congress Assembled:

Section 1. That the public lands within the Territory of Hawaii, ceded to the United States by the terms of the Joint Resolution of Annexation approved July seventh, eight hundred and ninety-eight, except such part thereof as may be used or occupied for the civil, military and naval purposes of the United States or may be assigned for the use of the Territorial Government, including sites for public buildings and water works in the several counties, roads, streets, parks, and land more valuable for city and town residences and business purposes than for agricultural and pastoral purposes, are hereby set apart and reserved for homestead purposes, title to which may be acquired only by and through compliance with the provisions of this Act. That the agricultural and pastoral public lands in the Territory of Hawaii shall not be used, leased, sold or exchanged except as in this Act prescribed.

Section 2. Every person who is the head of a family, or who has attained the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration to become such, as required by the naturalization laws, shall be entitled to enter a tract of the public lands in the Territory of Hawaii not exceeding the area and according to the classification as prescribed in this Act to be located in a body in conformity to the local subdivisions of the public land now or hereafter surveyed in accordance with the provisions of this Act: but no person who is the owner of more than one hundred and sixty acres or more, whether acquired from the Government or otherwise in any State or Territory shall acquire any right under the provisions of this Act.

Section 3. Any person applying to enter public land under the preceding section shall first make and subscribe before the proper local land officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age and a citizen of the United States according to the naturalization laws, in which case a duly certified copy of such declaration shall be filed with the application; that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, to be used and occupied as a home for himself to the exclusion of a home elsewhere, and that the tract applied for is not for the use or benefit, either directly or indirectly, of any other person, persons, corporation or association of persons, and that he or she will faithfully and honestly endeavor to comply with all requirements of law as to settlement, cultivation and residence necessary to acquire title to the land applied for; that he or she is not acting as the agent of any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof or the timber, grazing, or any other natural product thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person, persons, corporation, syndicate or association of persons whatever, by which the title, which he or she might acquire, to the tract applied for should inure, in whole or in part, to the benefit of any person except himself, or herself; that he or she is not the owner of more than 160 acres in any State or Territory of the United States. Upon filing such application and affidavit with the proper local land officer in the proper local land office in the land district in which the land is located and upon the payment of Ten Dollars, he or she shall thereupon be permitted to enter any tract of public land which is surveyed and not previously

entered in accordance with the classification and area prescribed in section seven of this Act. Such application shall show the location of the land applied for stating in writing the county, island and land district in which same is situated, together with as accurate a description as may be given, such as map, number of lot and the classification to which it belongs. If, for any reason, the local land officer finds from the records of his office that the tract applied for is not subject to entry under the provisions of this Act he shall forthwith endorse such reasons and refusal in writing on the application and sign the same, then and there returning to the applicant his affidavit, application so endorsed and the money accompanying it. Such decision shall be subject to appeal as in other cases in this Act prescribed relating to appeals.

Section 4. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time or within two years thereafter the person making such entry; or if he or she be dead his widow, or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proved by two credible witnesses that he, she or they have resided upon and in case of agricultural land, have cultivated the same; on pastoral lands fencing and stock-raising shall be deemed equivalent to cultivation for the term of five years immediately succeeding the time of filing the application and affidavit, and makes affidavit that no part of such land has been alienated (except as by law provided for public purposes) and that he, she or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time are citizens of the United States, shall be entitled to a patent upon the payment of ten dollars as a final fee.

Section 5. No person shall be entitled to more than one homestead entry and having once entered a homestead his further right to acquire public land in the Territory of Hawaii shall be exhausted; provided, however, that upon sufficient proof the Commissioner of the General Land Office may restore the homestead right of any person for good cause shown.

Section 6. Whenever a homestead claimant shall file a written relinquishment, duly acknowledged before the local land officer or before any other officer authorized by law to take acknowledgments, in the local land office, the entry shall be cancelled forthwith and the land covered by such claim shall be held as open for settlement and entry without further action on the part of the Commissioner of the General Land Office, and the land may be entered by the next legal applicant.

Section 7. All the public lands of the United States in the Territory of Hawaii to be offered for homestead purposes under the provisions of this Act shall be surveyed and classified as in this section prescribed, immediately after the approval of this Act by the Congress of the United States by direction of the Commissioner of the General Land Office and under the supervision of the Secretary of the Interior, whether such lands be vacant, under lease or otherwise occupied, and the subdivisions shall be made in such manner and of such area and location that an entryman may by reasonable diligence and industry provide for the ordinary wants of himself and an ordinary family without working elsewhere and within the limitations hereinafter prescribed. Roads shall be located in such manner as to make such lots or subdivisions available for homestead settlement. The classification of such public land shall be made by a Commission of five disinterested persons three of whom shall be residents of Hawaii. Said Commission to be appointed by the President of the United States, and shall be as follows:

Class No. 1: shall embrace all such public lands as are especially suitable for the growing of rice and taro and commonly known as "wet lands". Of this class no more than five acres nor less than two acres shall be surveyed in one lot and entered by any one person.

Class No. 2: shall embrace the best quality of cultivated sugar cane lands located where the facilities for transportation to mill are especially favorable. Of this class no more than ten acres nor less than five acres shall be surveyed in one lot and entered by any one person.

Class No. 3: shall embrace either an inferior quality of cultivated sugar cane land or the best quality of unimproved agricultural land especially suitable for the growing of sugar cane and located where reasonable transportation facilities for milling the crop are in actual operation at the time of making the survey. Of this class no more than twenty acres nor less than ten acres shall be surveyed in one lot and entered by any one person.

Class No. 4: shall embrace unimproved lands which are capable of cultivation, but by reason of location or any other cause are not especially suitable for the profitable growing of sugar cane but which are well suited to the growing of pineapples or other marketable tropical fruits or products. Of this class no more than forty acres nor less than twenty acres shall be surveyed in one lot and entered by any one person.

Class No. 5: shall embrace all other good agricultural land suitable for general farming, dairying and stock raising com-

bined and especially adapted to the growing of temperate zone products and forage. Of this class no more than one hundred acres nor less than forty acres shall be surveyed in one lot and entered by any one person.

Class No. 6: shall embrace the best quality of pastoral land, of which but little is suitable for cultivation, but well located and adapted to stock raising and dairying. Of this class no more than three hundred acres nor less than two hundred acres shall be surveyed in one lot and entered by any one person.

Class No. 7: shall embrace an inferior quality of pastoral land, practically none of which is capable of cultivation but suitable for stock raising. Of this class no more than six hundred acres nor less than four hundred acres shall be surveyed in one lot and entered by any one person.

All public lands which are inferior to the lands embraced in Class No. 7, shall not be alienated or leased in any manner whatever until Congress shall otherwise provide, but may be devoted to forestry purposes at any time under direction of the Secretary of the Interior under the Forestry laws of the United States.

Section 8. Where an unmarried woman who has heretofore settled or may hereafter settle upon a tract of public land, improved, established and maintained a bona fide residence thereon with the intention of appropriating the same for a home subject to the provisions of this Act, and has married, or shall hereafter marry before making final proof thereon, she shall not on account of her marriage forfeit her right to make such final proof and receive patent for the land. Provided, that she does not abandon her residence on the land and is otherwise qualified to obtain patent; provided further, that the man whom she marries is not, at the time of their marriage, claiming a separate tract of land under the provisions of this Act.

Section 9. In all cases in which a person who has regularly initiated a claim to public land and settled thereon according to the provisions of this Act and shall thereafter become insane before the expiration of the time during which residence thereon is required it shall be lawful for the person legally authorized to act for such insane person, to continue improvements and cultivation on the tract so entered during the disability of such insane person, and at any time after the expiration of five years from the date of entry, if such disability still exists, it shall be lawful for such legal representative to make final proof on the tract claimed and obtain patent therefor in behalf of such insane person.

Section 10. In the case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such

infant child or children, and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the Territory of Hawaii, sell the land for the benefit of such infants, but for no other purpose, and the purchaser at such sale shall acquire the absolute title by the purchase and shall be entitled to a patent on the payment of the final office fee.

Section 11. No lands acquired under the provisions of this Act shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor, and all contracts for the sale or incumbrance of such land prior to the issuance of patent shall be void.

Section 12. Within one year from the date of entry the entryman shall establish his actual residence on the tract and thereafter shall continuously maintain his residence thereon until final proof has been made.

Section 13. Whenever it shall be made to appear by competent and sufficient proof to the local land officer, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public lands in the Territory of Hawaii under the provisions of this Act is unable by reason of a total or partial destruction or failure of crops, sickness or other unavoidable casualty to secure support for himself, herself or those dependent upon him or her upon the lands settled upon, then such local officer may grant to such settler a leave of absence from the claim upon which he or she has filed for a period not exceeding one year, and such settler granted leave of absence shall forfeit no right by reason of such absence. Provided, that the proof offered at the time of making such request shall be reduced to writing and be subscribed and sworn to by the applicant, which proof shall remain on file in the local land office and notice of the granting of such leave of absence stating the date of expiration shall be published in a weekly newspaper of general circulation published nearest the land not less than two consecutive weeks and proof of such publication shall be filed in the local land office, otherwise such leave of absence shall be void, and it shall not be operative until so published. Provided further, that the time of such actual absence shall not be deducted from the actual residence required by law.

Section 14. Any person may file a contest against any homestead entry, after one year from the date of entry, charging that the land so entered was not occupied, wet, agricultural or pastoral land within the meaning of the classification under which it was entered, or that the entryman has leased the land for cultivation, grazing or any other use, or that he has made

an agreement to sell the same by relinquishment or when the title shall have been perfected, or has mortgaged or otherwise encumbered the same, or that the entryman has never established his residence thereon, or has actually changed his residence therefrom or has voluntarily abandoned the land for more than six months prior to the date of contest, or has otherwise failed to comply with the requirements of this Act, stating specifically such alleged failure, or any other material matter which, if proven, would impeach the good faith of the entryman and be just cause for the cancellation of the entry; upon the filing of such contest the local land office shall set a day for hearing and give at least thirty days notice to the entryman to appear and defend; and upon successful termination of the contest, after time for appeal has expired, the contestant, if a qualified entryman shall be allowed a preference right of entry for sixty days from the date of cancellation.

Any officer in the public land service becoming aware of the existence of any of the grounds for contest as above stated for the impeaching and cancellation of an entry may file formal complaint and after like notice to the entryman, if proven, shall cause the cancellation of the entry, but no person in the public land service shall be permitted to enter the tract, or be entitled to any preference right.

Section 15. Any person entitled to enter, acquire or hold public land in the Territory of Hawaii under the provisions of this Act and being a party in interest, or claiming any right to enter, hold or acquire any tract of public land in the Territory of Hawaii shall be entitled to the right of appeal, through the Public Land Department of the United States to the Secretary of the Interior, from any decision, order, ruling or refusal of any local public land officer in the Territory relating to such tract, under such rules and regulations as the Secretary of the Interior shall prescribe and promulgate.

Section 16. The officers, clerks and employees in any local land office are prohibited from directly, or indirectly, purchasing, entering or in any manner becoming interested, or initiating any claim to any public land in the Territory of Hawaii; and any person who violates this section shall forthwith be removed from office or such employment and all claims so initiated shall be void. Provided, that nothing in this section shall be construed to prevent any officer or employee from contesting any entry to clear the record in the interest of the public welfare as prescribed in section fourteen of this Act; but no officer having initiated such contest shall sit in judgment in any matter relating to such contest.

Section 17. Local public land officers, upon application, shall

furnish plats or diagrams of lots subject to homestead entry in their respective districts showing what lands are vacant and what lands are taken, and shall be allowed to receive compensation therefor from the person obtaining such plat or diagram at such rates as may be prescribed by the Commissioner of the General Land Office.

Section 18. Any bona fide settler under this Act shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way for railroads, canals, reservoirs, flumes, ditches or irrigating or drainage, or for public roads across it, and may receive such compensation therefor as he may deem adequate from the person, corporation or municipality acquiring the same; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim.

Section 19. When patents for public lands in the Territory of Hawaii have been issued under any law to a person who had died, or who hereafter dies, before the date of such patent, the title to the land designated and described therein shall inure to and become vested in the heirs, devisees, or assigns of such deceased patentee as if the patent had issued to the deceased during his life.

Section 20. When a sufficient portion of the public lands in the Territory of Hawaii shall have been surveyed and such surveys approved by the Commissioner of the General Land Office the president shall issue a proclamation declaring such surveyed lands open to settlement under the provisions of this Act and to avoid conflict he may prescribe the manner of receiving applications and the disposal of homesteads by drawing lots. In case of drawing the Secretary of the Interior is authorized to issue all necessary rules and regulations governing such drawing.

Section 21. Any person qualified to enter public lands and who was residing upon public land in the Territory of Hawaii April thirtieth, nineteen hundred, and who is residing upon the same land upon the date of the approval of this Act wherever such land is more useful for agricultural than city purposes shall have a preference right to enter such land in accordance with the classification and area prescribed in section six of this Act.

Section 22. Selling, leasing and exchanging public lands classed as agricultural or pastoral is hereby prohibited and all such land shall be speedily surveyed and subdivided into homestead lots for settlement purposes as prescribed in section six of this Act; such survey shall be executed by the government of the United States and sufficient funds therefor shall be ap-

propriated from the Treasury of the United States by Congress.

Section 23. All revenues from or proceeds of the public lands in the Territory of Hawaii, except as regards such part thereof as may be used or occupied for the civil, military or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Section 24. The Secretary of the Interior is hereby charged with supervision of public business relating to the public lands ceded to the United States in the Territory of Hawaii, and shall exercise all the powers and duties conferred upon him by the laws of the United States relating to the public domain in the Territory of Hawaii as elsewhere in the United States, not contrary to the provisions of this Act.

Section 25. The Commissioner of the General Land Office shall perform under direction of the Secretary of the Interior, all executive duties pertaining to the surveying and disposition of the public lands of the United States in the Territory of Hawaii, or in any wise respecting such lands, and the issuance of patents for all grants of land by the Government within the Territory of Hawaii, and shall exercise in the Territory of Hawaii all powers and duties conferred upon him by the laws of the United States relating to public lands, as elsewhere in the United States, not contrary to the provisions of this Act. Jurisdiction over the public lands of the United States in the Territory of Hawaii is hereby expressly conferred upon the General Land Department of the United States.

Section 26. The Territory of Hawaii shall constitute one Surveyor General's district. There shall be appointed by the President by and with the advice and consent of the Senate one Surveyor General for the District of Hawaii, such officer to have like jurisdiction and power as has the surveyor general of the Territory of New Mexico and to receive a salary of four thousand dollars payable quarterly by the government of the United States; his office to be in the City of Honolulu, on the Island of Oahu.

Section 27. Two land districts are hereby created in the Territory of Hawaii and two land offices shall be established therein with a register and receiver for each, such registers and receivers to be appointed by the President of the United States, by and with the advice and consent of the Senate, each of such registers and receivers shall receive a salary of three thousand dollars per annum, payable quarterly by the United States. One of said districts shall include the whole of the Island of Hawaii with the land office located at Hilo, on said island. The

other district to include all the other islands in the Territory, with the land office located in Honolulu, on the Island of Oahu. Every register and receiver shall reside at the place where the land office for which he is appointed is directed by law to be kept.

Section 28. The President of the United States shall appoint a Commission consisting of five persons, having no pecuniary interest in the public lands of the Territory, one of whom shall represent the Interior Department, one of whom shall represent the Agricultural Department and the remaining three members shall be residents and citizens of the Territory of Hawaii, one of whom shall be a member of and represent each of the three organized political parties in Hawaii, and to be selected from a list of twelve names, four of which shall be certified to the President by each political organization and no more than one Commissioner shall be appointed from any County in the Territory. Said Commission shall receive such compensation for its services and traveling expenses as Congress shall provide and may be paid out of any appropriation made by Congress for carrying out the provisions of this Act. Said Commission shall organize by electing its own officers, shall have power to send for persons and papers, to visit the lands, to administer oaths, examine witnesses, appoint a stenographer and perform all other acts lawful and necessary for the purposes of this Act and report all its proceedings at the end of each month to the Secretary of the Interior. When, in the opinion of the Secretary of the Interior, the commission has completed its work of classifying the agricultural and pastoral lands, he shall issue notice to said commissioners terminating and dissolving said commission and thereafter the recommendations of the Surveyor General may be relied upon for carrying out the recommendations of said commission. There shall be no money value or price fixed upon any of the public land surveyed or offered for homestead entry and the principle rule to guide the commission shall be "The lots for homestead entry shall be of no greater area than is necessary for the support of an ordinary or average family within the limitations defined in section seven if cultivated in a reasonable farmer-like manner with reasonable economy and diligence, and in case of pastoral land a similar rule as to stock raising shall obtain. In all other cases, however, such support shall only be considered as arising from the products of the homestead and shall not include the necessity of the homesteader working elsewhere to obtain such support. No distinction whatever as to race or color shall be made, except that the lands are to be offered to citizens of the United States and those who have declared their intention to become such as provided by the naturalization laws.

Section 29. The Secretary of the Interior shall cause complete information to be obtained relating to all the public lands in the Territory of Hawaii and for that purpose may direct the Commission to be appointed under the provisions of this Act to examine into and report the approximate area, character and location of all other public lands in the Territory of Hawaii, also school lands, reservations for military and naval purposes, public building sites, reservoirs, parks, streets, roads, number of leases including commencement and termination of each lease, the rental paid, character and location of the land leased, amount under cultivation, name of lessee; also the area, and location of all public land better suited for city, town and public purposes than for agricultural and pastoral purposes. The Surveyor General shall assist the Commission by making tracings to explain and amplify its report, but such tracings shall only be regarded by way of explanation and shall not be considered as official surveys.

Section 30. The Secretary of the Interior is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to carry this Act into effect, and may change or modify existing rules relating to time of serving notices and appeals as he may deem necessary to comport with distance, modes of travel and transmission of documents.

Section 31. Sections seventy-three, seventy-eight and such parts of section eighty as relate to Commissioner of Public Land and Surveyor, of the Act of Congress approved April thirtieth, nineteen hundred, entitled "An Act to provide a government for the Territory of Hawaii" are hereby repealed and the offices of Commissioner of Public Lands and Surveyor are hereby abolished. All papers and records in said offices shall be turned over to the proper officers appointed under the provisions of this Act under direction of the Secretary of the Interior.

Section 32. The sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the Treasury of the United States not otherwise appropriated, to be immediately available and subject to the order of the Secretary of the Interior for the purpose of carrying this Act into effect.

Section 33. This Act shall be in force from and after its passage by Congress and approval by the President.

Upon motion of Senator McCarthy, seconded by Senator Fairchild, the Resolution was referred to the Committee on Enrollment, Revision and Printing.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 86 entitled "An Act to

Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery."

Senator Coelho moved that action on the Bill be deferred to be considered, together with House Bill No. 165, in Committee of the Whole on Monday, April 12, at 3 o'clock in the afternoon. Seconded by Senator Harvey and carried.

Third Reading of Senate Bill No. 127 entitled "An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof.'"

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Robinson and Woods—11.

Noes: Senators Fairchild, Knudsen and Mr. President—3.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 170 entitled "An Act to Provide for Refunding Bonded Indebtedness of the Territory of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 177 entitled "An Act to Amend Section 23 of An Act entitled 'An Act Incorporating the City and County of Honolulu,' Being Act 118 of the Session Laws of 1907."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Woods and Mr. President—13.

Noes—0.

Not Present: Senators Quinn and Robinson—2.

Second Reading of Senate Bill No. 123 entitled "An Act Making Special Appropriations for the Use of the Territory of Hawaii During the Two Years which will end with the thirtieth day of June, A. D. 1911."

Senator Coelho moved to adopt the Report of the Minority of the Committee. Seconded by Senator Brown.

Senator Fairchild moved to adopt the Majority Report of the Committee. Seconded by Senator Moore.

Senator Robinson moved to adopt the Report of the Minority of the Committee with all items stricken out except "Hilo Union School, \$65,000.00" and "Kula Pipe Line. \$100,000.00." Seconded by Senator Coelho.

The President here called the Vice-President to the Chair.

Senator Smith moved that further action on the Bill be deferred until Tuesday, April 13, 1909. Seconded by Senator Fairchild and carried.

Second Reading of Senate Bill No. 131 entitled "An Act to Amend Section 1103 of Chapter 91 of the Revised Laws of Hawaii."

Upon motion of Senator Chillingworth, seconded by Senator Woods, the Bill passed Second Reading.

Second Reading of House Bill No. 138 entitled "An Act Prohibiting the Sale of Certain Iced Fish."

Senator Coelho moved to adopt the report of the Committee on the Bill. Seconded by Senator Harvey and carried.

Second Reading of House Bill No. 164 entitled "An Act to Provide for the Examination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine such Persons and Defining their Duties."

Upon motion of Senator Coelho, seconded by Senator Harvey, action on the Bill was deferred.

Second Reading of House Bill No. 197 entitled "An Act to Appropriate Money for the Relief of the Hilo Electric Light Company."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 189 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof.'"

Referred to the Committee on Ways and Means.

Senator Baker moved to reconsider the action taken on Senate Bill No. 123. Seconded by Senator Coelho and lost.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act to Provide for Public Improvements in the Several Counties by Authorizing the Assessment and Collection of an Additional Property Tax and the Expenditure of the Proceeds thereof for that purpose."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 139) entitled "An Act to Provide for Public Improvements in the Several Counties by Authorizing the

Assessment and Collection of an Additional Property Tax and the Expenditure of the Proceeds thereof for that purpose."

The Bill was read by title and, upon motion of Senator Fairchild, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Baker moved that the Report (No. 231) of the Committee on Public Health on the visit of the Committee and others to the Leper Settlement at Molokai be printed. Seconded by Senator Brown and carried.

A Communication (No. 76) from the Shippers' Wharf Committee, of Hilo, relating to an Appropriation for Hilo Sanitation, was read by the Clerk as follows:

SHIPPERS' WHARF COMMITTEE OF HILO.

April 8, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Dear Sir:—We have just learned from the newspaper files that the House of Representatives has failed to make any appropriation for Hilo Sanitation, leaving same to be cared for by the County. This may be all right for Honolulu, but it will only increase our troubles here, because our sanitation is altogether in the hands of our appointed Board of Health officials. The arrangement as made by the House of Representatives would therefore tend to duplicate our officials unnecessarily. The present arrangement, which leaves the Board of Health paramount, is all right, and we would most respectfully request the Senate, through you, to put all our health and sanitation officials back under the Board of Health, where they belong.

This request has already been made to the House, but evidently they did not understand that our Chief Sanitary Inspector and his Assistants are in charge of our Quarantine, Rat and Mosquito work, and of the general sanitation of the County.

We enclose several copies of this communication for the use of your Conference Committee and for the newspapers, if you see fit to so use them.

Very truly,

E. N. HOLMES,
Chairman.

Attest:

R. T. GUARD,
Secretary.

The Communication was ordered laid on the table to be considered with the Appropriation Bill.

A Communication (No. 77) from John K. Kai, County Clerk, County of Hawaii, transmitting Resolution adopted relating to the transfer of certain moneys in the hands of the Superintendent of Public Works, was read by the Clerk as follows:

OFFICE OF COUNTY CLERK,
COUNTY OF HAWAII.

Hilo, Hawaii, April 8, 1909.

The Honorable W. O. Smith,
President of the Senate of the
Territory of Hawaii.

Sir:—I have the honor to herewith transmit a duly certified copy of a resolution which was adopted by the Board of Supervisors of the County of Hawaii at their regular meeting, held in the City of Hilo, County of Hawaii, on the 8th day of April, A. D. 1909.

Respectfully submitted,

JOHN K. KAI,
Clerk of the County of Hawaii.

COUNTY OF HAWAII, TERRITORY OF HAWAII.

RESOLUTION NO. 40.

BE IT RESOLVED by the Board of Supervisors of the County of Hawaii that the Superintendent of Public Works is hereby requested to turn over all moneys that he may have in his hands to the credit of North Hilo District, to the Treasurer of the County of Hawaii and the same be placed to the credit of the above named district, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the President of the Senate and to the Speaker of the House of Representatives of the Legislature of 1909.

(Signed) N. K. LYMAN,
Supervisor for the District of Puna.

Dated at Hilo, Hawaii,

This 8th day of April, A. D. 1909.

I hereby certify that the foregoing is a true, full and correct copy of a resolution adopted at the regular meeting of the Board of Supervisors of the County of Hawaii on the 8th day of April, A. D. 1909.

JOHN K. KAI,

Clerk of the County of Hawaii.

The Communication was ordered referred to the Committee on Ways and Means.

At 11:01 o'clock the Senate resolved itself into Committee of the Whole for the consideration of House Bill No. 91 entitled "An Act to Authorize the Deposit of Territorial Moneys in Banks in this Territory," and House Bill No. 173 entitled "An Act to Authorize Public Accountants to Deposit Territorial Moneys in Banks," on Second Reading, Senator Makekau in the Chair.

At 11:47 o'clock the Senate came to order, Senator Makekau, for the Committee of the Whole reporting, recommending the passage of House Bill No. 173 as read, and further recommending the passage of House Bill No. 91, with the following amendments:

Insert the words "nor more than 4 per cent." after the words "two per cent." in line 12 of Section 1.

Strike out the words "or a guarantee of such Fidelity Companies as may be approved by the treasurer as well as by the Governor of the Territory to an amount equal to such deposit, but in no case shall the amount guaranteed by any one Fidelity Company exceed the sum of one hundred thousand dollars" in lines 12, 13, 14, 15 and 16 of Section 3.

Insert the word "the " between the words "examining" and "same" in line 20 of Section 4.

Strike out the word "with" in line 7 of Section 6 and insert in lieu thereof the word "of".

Upon motion of Senator McCarthy, seconded by Senator Makekau, the Report of the Committee was adopted.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act to Provide for the Reimbursement of the Territory for the Cost of the Kula Pipe Line."

Under suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 140) entitled "An Act to Provide for the Reimbursement of the Territory for the Cost of the Kula Pipe Line."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Fairchild presented the Report (No. 233) of the Committee on Ways and Means on Senate Bill No. 133 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 10, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred Senate Bill No. 133, entitled "An Act to Provide for the Maintenance, Extension and Improvement and Payment of the Cost of the Honolulu Water and Sewer Works," begs leave to report that it has had the same under careful consideration.

The object of this Bill is to cause all revenues derived from time to time from the Honolulu Water and Sewer Works to be deposited and constitute a special fund in the Treasury of the Territory, such fund to be applied from time to time by the Superintendent, with the approval of the Governor, to the expenses of maintenance and operation of said works, the payment of interest upon the indebtedness of the Territory incurred for the construction, improvement and extension of said works; the extension and improvement of said works and the payment of the said indebtedness.

Your Committee believes the object of the Bill to be a good one and therefore recommends its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;

H. T. MOORE,
W. J. COELHO,
JOHN T. BROWN,
E. W. QUINN.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 133 entitled "An Act to Provide for the Maintenance, Extension and Improvement and Payment of the Cost of the Honolulu Water and Sewer Works."

Upon motion of Senator Fairchild, seconded by Senator Coelho, the Report of the Committee on the Bill was adopted.

At 11:58 o'clock, upon motion of Senator Kalanianaʻe, seconded by Senator Coelho, the Senate adjourned until Monday morning, April 12, 1909, at 9 o'clock.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FORTY-SIXTH DAY.

Monday, April 12, 1909.

The Senate met, pursuant to adjournment, at 9 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Brown, Chillingworth, Kalama and Quinn absent.

The Journal of the Forty-Fifth Day was read and, upon motion of Senator Coelho, seconded by Senator Robinson, approved as read.

Senator Coelho presented a Petition (No. 78) from 40 residents at Kalaupapa praying for various matters pertaining to the treatment of Leprosy, as follows:

PETITION.

Kalaupapa, T. H., April, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Greeting:—We, the undersigned, do hereby petition each and

every honorable member to show your love by giving support to your poor blooded relatives who are afflicted with the dangerous disease (leprosy) claimed by the licensed doctors to be incurable.

We therefore pray for your unanimous support to the following Bilis:

1.—Senate Bill: Relating to the free experimenting of the afflicted with leprosy claimed by the licensed doctors to be incurable.

For the reasons: Sometime ago two women afflicted with leprosy, residing at Kalaupapa and Kalawao, were claimed by the licensed doctors that there was no hope for them and death was at hand, so these women made out their wills and last testaments. Since then till now the two unfortunate women are still living and every disease have left them except leprosy. One of them has given birth to a child. Their lives were saved and health restored through their earnest labors in securing means that saved them from death and relieved them from sufferings.

2.—House Bill: Granting the privilege to the poor afflicted at Kalaupapa to be experimented on at Kalihi.

For the reasons: Some of the afflicted that have been experimented on at the Kalihi Station, and received treatment, were relieved, and others were ordered to be released.

3.—House Bill: Placing the Board of Health under the jurisdiction of the Supervisors under the County. This is a good measure.

For the reasons: We believe the life and health of the public will be safely guarded in the County and throughout the Territory, and the money will be properly spent for the maintenance of life and health of the public.

4.—House Bill: Prohibiting the praying upon the sick, etc.

We hereby strongly protest against this Bill, and further pray not to have this measure considered again this session.

For the reason: The praying upon the sick does not interfere with medicines. This same principle is also applied to the dead.

With these various suggestions on legislation we hereby set our names with the expectation that the Honorable Members of the Senate and House of Representatives will so support.

Yours respectfully,

We again humbly pray,

(40 Signatures.)

The Petition was ordered referred to the Assistant Clerk for translation.

Senator Moore, on behalf of the Committee on Ways and Means, reported verbally on House Bill No. 157, recommending its passage with the words "nor in which any act performed or depicted shall represent any act which, if actually done, would be an infraction of the laws of the Territory of Hawaii" after the word "character" in line 7 of Section 1. Action on the proposed amendment was deferred to be considered with the Bill.

Senator Knudsen presented the Report (No. 234) of the Committee on Judiciary on Senate Bill No. 130, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 12th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 130, entitled "An Act to Authorize the Issuing of Land Patents for Certain Church Sites, or Sites for other Religious or Burial Purposes," begs leave to report that it has had the same under careful consideration.

The object of this Bill is clearly stated in its title.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 130 entitled "An Act to Authorize the Issuing of Land Patents for Certain Church Sites, or Sites for other Religious or Burial Purposes."

Senator Makekau moved to strike out the word "all" in line 2 of Section 1 and insert in lieu thereof the word "the". Seconded by Senator Woods and carried.

Senator Makekau moved that the Bill pass Second Reading as amended. Seconded by Senator Woods and carried.

Senator Knudsen presented the Report (No. 235) of the Committee on Judiciary on House Concurrent Resolution No. 14, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 12th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Concurrent Resolution No. 14, begs leave to report that it has had the same under careful consideration.

The object of this Resolution is to request the Delegate to Congress to urge the passage by Congress of House Bill No. 7094, appropriating \$250,000.00 for the relief of Queen Liliu-
okalani.

Your Committee recommends its adoption.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Makekau, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 236) of the Committee on Judiciary on House Bill No. 154, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 12th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 154, entitled "An Act to further Safeguard the

taking of Property by Railroad Companies Under Power of Eminent Domain," begs leave to report that it has had the same under careful consideration, and would recommend its passage with the following amendments:

1. Insert after the word "aforesaid" in line 34 the following words "and shall give at least ten days notice of such hearing to all parties interested."
2. In line 47 strike out the word "thereto" and insert in lieu thereof the words "interested therein."
3. In line 48 strike out the comma after the word "taken".
4. In line 49 strike out the word "either" and insert in lieu thereof the word "any" and also insert after the word "to" the word "demand".
5. In line 64 strike out the semicolon after the word "taken" and insert a comma.
6. In line 77 insert after the word "if" the words "the owner or owners of property or any interest therein to be taken are unknown or if".
7. In line 79 insert the word "by" after the word "given".
8. In line 84 strike out the word "to" and insert in lieu thereof the word "shall".
9. In line 86 strike out the word "first" and insert in lieu thereof the words "date of the last".
10. Strike out Section 3.
11. Renumber Section 4, Section 3.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Makekau, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Brown presented a Petition (No. 79) for an Appropriation of \$4,000.00 for Construction of Road through Honomu Homesteads, as follows:

The Honorable Members of the
Fifth Legislature,
Territory of Hawaii.

Gentlemen:—Whereas, we, the undersigned citizens and homesteaders of Honomu, Hawaii, T. H., have complied with all the

conditions and requirements under the Right of Purchase Lease of the Land Laws of the Territory of Hawaii, and

Whereas, we, having paid the full amount of the purchase price for our lots to the Commissioner of Public Lands, Mr. James W. Pratt, and

Whereas the said Commissioner having deposited the whole amount of the purchase price of our lots in the Treasury of the Territory of Hawaii, and

Whereas the Land Laws of the Territory of Hawaii specify that the Commissioner of Public Lands shall lay aside fifty per cent. (50%) of the purchase price of public lands for road purposes, and

Whereas, the said Commissioner having failed to comply with his duty, and no road was ever constructed through these homesteads, and

Whereas the condition of the trail through the said Honomu Homesteads demands that immediate steps be taken to remedy the hardships of the homesteaders,

Therefore, we hereby request and petition your Honorable Body to appropriate the sum of \$4,000.00 for the construction of a twelve foot road through the said Honomu homesteads.

Signed this 24th day of March, 1909.

Name of Homesteader	No. of Lot	Amt. Purchase Price Paid
E. S. Capellas.....	I	\$945.90
V. A. Carvalho.....	XI	640.20
Francisco P. Bento.....	XII	893.90
Maria Deniz	XVII	238.23
Jose Baptiste	XVI	288.48
David Kalani	XXI	253.47
J. K. Kaluhiokalani.....	XXII	199.38
Sam Kuihelani	XVIII	207.18
Francisco Baptista	XIV	659.43
Antonio F. Martinz.....	IX	246.40
John B. Oliver.....	XV	805.95
Antonio J. Chaver.....	II	282.50
Joseph Flores	X	253.92
Otto F. J. Duechting.....	XIII	766.50
Manoel Pacheco	XIX	340.70

The Petition was ordered referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 131 entitled "An Act to Amend Section 1103 of Chapter 91 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes—0.

Not Present: Senators Fairchild and Quinn—2.

Third Reading of Senate Bill No. 133 entitled "An Act to Provide for the Maintenance, Extension and Improvement and Payment of the Cost of the Honolulu Water and Sewer Works."

Upon motion of Senator Makekau, seconded by Senator Harvey, action on the Bill was deferred until Senator Fairchild, the introducer of the bill, was present.

Third Reading of House Bill No. 91 entitled "An Act to Authorize the Deposit of Territorial Moneys in Banks in this Territory."

Upon motion of Senator Fairchild, seconded by Senator Robinson, action on the Bill was deferred until Tuesday, April 13, 1909.

Third Reading of Senate Bill No. 133 entitled "An Act to Provide for the Maintenance, Extension and Improvement and Payment of the Cost of the Honolulu Water and Sewer Works."

Senator Makekau moved to strike out the words "the extension and improvement of said works and fourthly" in lines 12 and 13 of Section 1. Seconded by Senator Woods.

Senator Knudsen moved to insert the words "Provided, however, that the amount so set aside shall not be less than 10 per cent. yearly of the gross receipts from said water and sewer works" after the word "indebtedness" in line 13 of Section 1. Seconded by Senator Coelho.

Senator Robinson moved to insert the word "necessary" after the word "the" in line 14 of Section 1. Seconded by Senator Fairchild.

The motion of Senator Makekau was then put and lost.

The motion of Senator Knudsen was then put and carried.

The motion of Senator Robinson was then put and lost.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, McCarthy, Moore, Quinn, Woods and Mr. President—11.

Noes: Senators Brown, Kalama, Makekau and Robinson—4.

Third Reading of House Bill No. 138 entitled "An Act Prohibiting the Sale of Certain Iced Fish."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Makekau, McCarthy, Quinn, Robinson, Woods and Mr. President—13.

Noes: Senator Knudsen—1.

Not Present: Senator Moore—1.

Third Reading of House Bill No. 173 entitled "An Act to Authorize Public Accountants to Deposit Territorial Moneys in Banks."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson and Mr. President—13.

Noes—0.

Not Present: Senators Quinn and Woods—2.

Second Reading of House Bill No. 164 entitled "An Act to Provide for the Examination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine such Persons and defining their Duties."

Senator Baker moved to strike out the word "counties" in line 4 of Section 3 and insert in lieu thereof the words "Judicial Circuits." Seconded by Senator Makekau.

Senator Coelho moved that the Bill be recommitted to the Committee on Public Health. Seconded by Senator Knudsen.

Senator Makekau moved that the Bill be laid on the table. Seconded by Senator Brown.

The motion to lay the Bill on the table was then put and lost.

The motion to recommit the Bill to the Committee on Public Health being put carried.

Second Reading of House Bill No. 157 entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii Relating to Public Shows."

Senator Makekau moved to adopt the Report of the Majority of the Committee on the Bill. Seconded by Senator Fairchild and carried.

Second Reading of House Bill No. 154 entitled "An Act to Further Safeguard the Taking of Property by Railroad Companies under Power of Eminent Domain."

Senator Makekau moved that the Bill be recommitted to the Committee on Judiciary. Seconded by Senator Chillingworth and carried.

A Communication (No. 52) from W. H. Babbitt, Superintendent of Public Instruction, inviting the Members of the Senate to a public exhibit of the work prepared by the school children of the Territory for the Alaska-Yukon-Pacific Exposition, was read by the Clerk, as follows:

DEPARTMENT OF PUBLIC INSTRUCTION,

Honolulu, Hawaii, April 12, 1909.

Honorable W. O. Smith,
President of the Senate,
Senate Chamber.

Sir:—On Wednesday and Thursday of this week, April 14th and 15th, there will be held, in the Shooting Gallery of the National Guard, a public exhibit of the work prepared by the school children of the Territory for the Alaska-Yukon-Pacific Exposition to be held in Seattle this summer. It is proposed to throw the exhibit open to the public at ten o'clock on Wednesday and a cordial invitation is herewith extended to the Honorable Members to view this exhibit between eight and ten o'clock a. m., Wednesday, April 14th.

Trusting that the Senators will feel inclined to accept this invitation,

I beg to remain,

Very respectfully yours,

W. H. BABBITT,
Superintendent of Public Instruction.

The Communication was ordered received and placed on file. Under suspension of the Rules, Senator Knudsen presented the Report (No. 237) of the Committee on Judiciary on House Bill No. 90, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 8, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred

House Bill No. 90, entitled "An Act to Amend Section 1577 of the Revised Laws Relating to the Appointment of Jailors," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to give the Sheriffs of the various counties the right to appoint jailors and your Committee recommends the Bill pass with the following amendments:

Strike out the last two lines in "Section 1" and amend "Section 2" to read "This Act shall take effect on July 1, 1909."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

R. H. MAKEKAU.

I do not concur in the above report as I feel that the care of prisoners should be kept out of politics.

CHAS. F. CHILLINGWORTH.

The Report of the Committee was laid on the table to be considered with the Bill.

At 12:03 o'clock Senator Brown moved to take a recess until 2 o'clock. Seconded by Senator Woods and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 53) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 69, 70, 71, 72, 73, 74, 75 and 76 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING

Secretary of Hawaii,

Honolulu, T. H., April 12, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to inform your Honorable Body that the Governor on April 10, 1909, signed the following Bills:

Senate Bill No. 83, Act 69, An Act Relating to Acknowledgment and Execution of Written Instruments, and Repealing Sections 2361, 2362, 2366, 2367 and 2368 of the Revised Laws, Act 70, Session Laws of 1905, and Act 60 of the Session Laws of 1907;

House Bill No. 85, Act 70, An Act Relating to Militia Enrollment;

House Bill No. 94, Act 71, An Act to Amend Section 3018 of the Revised Laws Relating to Circulation of Commercial Paper;

House Bill No. 159, Act 72, An Act For the Relief of the Volcano Stables and Transportation Company, Limited;

Senate Bill No. 93, Act 73, An Act to Amend Section 1806 of the Revised Laws of Hawaii Relating to the Lien of District Court Judgments;

House Bill No. 160, Act 74, An Act to Amend Section 2944 of the Revised Laws as Amended by Act 7 of the Session Laws of 1907 and to Repeal Section 2945 of the Revised Laws and to Amend Section 2946 of the Revised Laws Relating to the Crime of Burglary;

House Bill No. 155, Act 75, An Act to Amend Section 73 of Act 39 of the Laws of 1905 Relating to Deputy Sheriffs;

House Bill No. 156, Act 76, An Act to Amend Section 128 of Act 118 of the Laws of 1907 Relating to Deputy Sheriffs.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 192) from the House of Representatives, transmitting House Bill No. 180, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 180, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 180 entitled "An Act Relating to Taxation Amending Sections 1183, 1184, 1186, 1195, 1203, 1206, 1215B, 1216, 1217, 1221, 1222, 1235, 1237, 1243, 1244, 1245, 1247, 1250, 1263, 1264, 1265, 1266, 1267, 1268 and 1271 of the Revised Laws of Hawaii, Repealing Section 1202 thereof, and Adding Three New Sections thereto, Sections 1213A, 1221A and 1266A."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Harvey, passed First Reading.

A Communication (No. 193) from the House of Representatives, transmitting House Bill No. 184, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 184, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 184 entitled "An Act to Amend Sections 1 and 2 of Act 11 of the Session Laws of 1909, entitled 'An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws and to Add a New Section to be known as Section 2429A to the Revised Laws, Relating to the Court of Land Registration.'"

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Moore, passed First Reading.

A Communication (No. 194) from the House of Representatives, transmitting House Bill No. 185, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 185, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 185 entitled "An Act to Amend Section 2 of Act 22 of the Session Laws of 1909, entitled 'An Act to Define and Regulate the Treatment and Control of Dependent and Delinquent Children.'"

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Moore, passed First Reading.

A Communication (No. 195) from the House of Representatives, asking consideration of an indemnity of \$250.00 to be paid to O. Tollefsen for the loss of the Sloop "Volante," was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Gentlemen:—In accordance with House Petition No. 51, praying for an indemnity of Two Hundred and Fifty (\$250.00) Dollars to be paid to O. Tollefsen for the loss of his sloop "Volante" while under actual service for the Leper Settlement, which said Petition was presented by Representative J. Nakaleka, March 27, 1909, and referred to the Committee on Health and Police of the House, and pursuant to the report of said Committee on said Petition, recommending that the claim be

paid, I am instructed to ask your Honorable Body to give this matter your favorable consideration by inserting said item in the Appropriation Bill.

Very respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was laid on the table to be considered with the Appropriation Bill.

A Communication (No. 196) from the House of Representatives, transmitting House Joint Resolution No. 8, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Joint Resolution No. 8, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

JOINT RESOLUTION.

BE IT RESOLVED by the House of Representatives, the Senate concurring,

That the Governor of the Territory shall, as soon as practicable after the approval of this Resolution, appoint a commission of three members, to be known as the Milk Commission which commission shall thoroughly examine and investigate the regulations of the Board of Health; the laws of the Territory, and any ordinances of the City and County of Honolulu safeguarding the sale of milk and control of dairies, the manner of their enforcement and adaptability to existing conditions; and consider ways and means for the revision and improvement

of the said laws so far as they affect the City and County of Honolulu, and the commission shall make report of their work to the Governor not later than July 1, 1910, with their recommendations pertaining thereto, together with some bill or bills for the effectuation of such recommendations.

The Communication was ordered received and placed on file.
First Reading of House Joint Resolution No. 8.

Upon motion of Senator Coelho, seconded by Senator Knudsen, the Resolution passed First Reading.

A Communication (No. 54) from John W. Gilmore, Relating to Appropriations for the College of Hawaii, was read by the Clerk as follows:

THE COLLEGE OF HAWAII.

Honolulu, April 9, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Dear Sir:—I have been looking over our books and find that we have about \$20,000.00 of Federal Funds to spend between now and July 1. If we had the outlook for means to move into Manoa valley where we rightfully belong, and to develop our Agriculture, Animal Husbandry and Field Engineering, in the proper manner, we could spend practically all of this money for the necessary live stock and other equipment. Otherwise it must revert to the Federal Treasury.

I am anxious about the expenditure of these Federal Funds, as in the annual reports that I have to make, specific information is called for as to what share the state is taking in the necessary equipment for the activities of the College. Last year we could not report provision for aggressive agriculture and engineering work. I hope to be able to make a satisfactory report this year, but in order to do this the Legislature will have to recognize the actual needs of the College.

In the broad balance of economy both for the present as well as for the future, Hawaii can well afford to spend the necessary money to place this College in the field of service that is open for it. The agricultural institutions of the United States have played such an important part in increasing the primary wealth of the nation that eleven states are appropriating more than \$250,000 annually, and five of these are appropriating more than \$500,000. Kansas has just appropriated \$985,000 for the State College. That these institutions are adding to the wealth

of the State and the nation may be shown by the following bits of authentic data:

That—In 1880 our agricultural wealth was a little over two billion dollars. In 1908 it had arisen to \$7,778,000,000.

That—Since 1870 our production of cereals has increased 725 per cent while our population has increased only 468 per cent. and our acreage in farms only 210 per cent.

That—In 1870 each farmer cultivated 23.3 acres of land, and made use of 1.7 horse power, while in 1900 he was cultivating 31 acres of land and making use of 2.3 horse power.

That—Since 1870 though the United States has increased enormously its production and is now exporting about 1.7 of its products, yet 11 per cent. of those engaged in agriculture have gone into other occupations leaving the percentage of working population engaged in agriculture only 35.

While we have a definite and workable scheme for the development of this College, yet we are quite committed to the policy of making the best use of whatever resources may be granted by the Legislature.

Very respectfully,

JOHN W. GILMORE,
President.

The Communication was ordered referred to the Committee on Education.

A Communication (No. 80) from a Committee of the Residents of Hanalei, Kauai, asking that a Bill to appropriate \$10,000.00 for a Wharf and Warehouse at Hanalei, Kauai, have favorable consideration, was read by the Clerk, as follows:

Hanalei, Kauai, T. H., April 9, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Dear Sir:—We, the undersigned Committee have been requested by the resident citizens of Hanalei, Kauai, T. H., to write you and ask your valuable assistance to the "Bill" introduced by the Honorable G. H. Huddy to appropriate \$10,000.00 for a wharf and warehouse at Hanalei, Kauai.

As to the necessity of a wharf and warehouse at Hanalei there is no doubt, as it has been a long delayed want.

The nature of the weather conditions here are such, that the people are at a continuous loss, by having their freight damaged by rain and sea. We have from 100 to 200 inches of rainfall each year and as the greater part of the people live a long distance from the landing (from $\frac{1}{2}$ to 4 miles) it is almost impossible to get their freight home or shipped in rainy weather without some loss.

Most of the freight handled here is of a perishable nature consisting of many small packages and reaching to some 2,000 tons per year. Our principal export is rice, of which we ship some 30,000 bags per annum.

The present method of landing freight in small boats, and the sailors packing it ashore on their backs is very antiquated and unworthy of a community of modern times.

It results in a heavy loss for all, especially when a heavy sea is running, or rain is falling. We have no schedule time for the arrival and departure of the steamers, as their movements are governed entirely by the weather conditions.

This works a hardship on the people as they never know when to expect the steamers and so cannot tell whether to bring their freight down or not.

At present the Inter-Island Steam Navigation Company have a small warehouse here, but it is not large enough to hold the outgoing freight and incoming freight, as during the winter months the steamers find it impossible to approach Kalihiwai landing owing to heavy seas, consequently the Kalihiwai freight is landed at Hanalei and has to be stored in the warehouse, thus making it hard to meet the demands of both places.

Therefore we pray you that due consideration be given the item asked for as it will serve two places the greater part of the year.

Two years ago the Congressional party visited Kauai, landing at Hanalei, and much to our mortification had to be brought ashore much the same way our freight is landed; spare us we pray you the humiliation of landing a second party in the same way.

As it is to the benefit of the masses of people that the Government own and control all landings where the public is served, and as the members of the Legislature have expressed a desire to look into all the wharfs and landings held by private parties with a view to buy or control the same, here is an opportunity to forestall private ownership and give the people of Hanalei a much needed necessity.

Trusting that you will view our contentions in the same light

and wishing you success in your undertakings. We are, Dear Sir,

Yours respectfully,

W. F. SANBORN,
E. G. K. DEVERILL.

The Communication was laid on the table to be considered with any Bill on the subject.

A Communication ((No. 197) from the House of Representatives, transmitting House Bill No. 192, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 192, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 192 entitled "An Act to Amend Act 62 of the Session Laws of 1905 by adding a New Section to be called Section 3A."

The Bill was read by title and, upon motion of Senator Harvey, seconded by Senator Coelho, passed First Reading.

A Communication (No. 198) from the House of Representatives, transmitting House Bill No. 199, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 199,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 199 entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii as Amended, Relating to Licenses."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator Harvey, passed First Reading.

Second Reading of House Bill No. 125 entitled "An Act to Amend Act 118 of the Session Laws of 1907 of the Territory of Hawaii, entitled 'An Act Incorporating the City and County of Honolulu.'"

Senator Brown moved that action on the Bill be deferred until Friday, April 16, 1909. Seconded by Senator Coelho and carried.

At 2:21 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of House Bill No. 74, Senate Bill No. 132 and Senate Bill No. 49 on Second Reading, Senator Knudsen in the Chair.

At 3:06 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again.

Upon motion of Senator Knudsen, seconded by Senator Moore, the Report of the Committee was adopted.

At 3:07 o'clock the Senate resolved itself into Committee of the Whole for the consideration of Senate Bill No. 86 entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii, Relating to Medicine and Surgery," on Third Reading, and House Bill No. 165 entitled "An Act Providing for the Care and Medical Treatment of Persons Afflicted with Leprosy," on Second Reading. Senator Chillingworth in the Chair.

At 4:45 o'clock the Senate came to order, Senator Chillingworth, for the Committee of the Whole, reporting, recommending the passage of House Bill No. 165 on Second Reading, and further recommending that action on Senate Bill No. 86 be deferred.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

Under suspension of the Rules, Senator Brown presented the Report (No. 238) of the Committee on Enrollment, Revision and Printing on Senate Concurrent Resolution No. 8, as follows:

Honolulu, T. H., April 12, 1909.

Honorable W. O. Smith,
President of the Senate,

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Concurrent Resolution No. 8 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Chillingworth moved that House Bill No. 74, Senate Bill No. 132 and Senate Bill No. 49 be considered in Committee of the Whole on Tuesday evening, April 13, at 7:30 o'clock. Seconded by Senator Fairchild, and carried.

At 4:47 o'clock, upon motion of Senator Coelho, seconded by Senator Knudsen, the Senate adjourned until 9 o'clock tomorrow morning.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FORTY-SEVENTH DAY.

Tuesday, April 13, 1909.

The Senate met, pursuant to adjournment, at 9 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth, Harvey, Kalama, Moore and Quinn absent.

The Journal of the Forty-Sixth Day was read and, upon motion of Senator Knudsen, seconded by Senator Harvey, approved as read.

Senator Brown presented the Report (No. 239) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 139 and 140, as follows:

Honolulu, T. H., April 13, 1909.

Honorable W. O. Smith,
President of the Senate,

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 139 and 140 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Makekau presented a Petition (No. 81) urging the passage of a Bill prohibiting the Segregation of Lepers before receiving treatment, as follows:

A BILL

PROHIBITING THE SEGREGATION OF ANY LEPERS TO THE LEPER SETTLEMENT AT KALAUPAPA, MOLOKAI, BEFORE RECEIVING TREATMENT AT THE KALIHI RECEIVING STATION HOSPITAL OR ANY OTHER HOSPITAL SET UP IN THE TERRITORY OF HAWAII FOR THE "TREATMENT OF LEPROSY."

Section 1. All patients examined and certified by medical ex-

aminers that he or she is a leper, shall have the privilege of the use of a room in any of the government hospitals set aside for the treatment of leprosy; that is, either at the Kalihi Receiving Station Hospital, Honolulu, or elsewhere in the Territory of Hawaii, for the term of one year before they are finally dispatched to the Leper Settlement at Kalaupapa on Molokai.

Section 2. All leper patients residing in any of the hospitals as provided in the preceding section, may have the privilege of choosing their own medical man to treat them.

Section 3. All expenses incurred for the "Care and Maintenance and Medical Attendance" for any and all indigent leper patients at any of the hospitals set forth in section 1, of this Bill, shall be paid by the Board of Health from the funds set by the Legislature for the "Care and Maintenance of Lepers."

At the request of any leper patient residing at Kalaupapa on Molokai, which request must be made in writing that such patient or patients wish to return to any of the hospitals set forth in section 1, of this Bill, the Board of Health shall at once grant the request after a final agreement is made with the physician whom the patient or patients have arranged to do the treatment for them.

In cases where the Board of Health is satisfied that a patient can afford to pay for his or her own medical treatment, such patient or patients shall at once be notified to that effect and the physician attending shall also receive the same notification.

Section 4. The Board of Health may at its discretion lengthen the period of treatment when necessary, upon the request of any patient and his or her physician.

Section 5. Any person who has been under treatment may return to their respective homes, six months after the receipt of a certificate issued by his or her physician to the fact that he or she is "Free from all signs and symptoms of leprosy" and it shall be corroborated by one other physician who may be in practice in the Territory of Hawaii.

Section 6. All previous laws affecting any part or parts of this Bill are hereby repealed.

(68 Signatures.)

The Petition was ordered referred to the Committee on Public Health.

Senator Knudsen presented the Report (No. 240) of the Committee on Judiciary on House Bill No. 154, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 13th, 1969.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was recommitted House Bill No. 154, entitled "An Act to Further Safeguard the taking of property by Railroad Companies under Power of Eminent Domain," begs leave to report that it has had given the same careful consideration, and would recommend its passage with the following further amendment:

Insert the words "Failure on the part of said Appraisers to hear and determine the question within six (6) months after their appointment shall invalidate their appointment and all proceedings had thereunder" at the end of the first paragraph of Subdivision 4 of Section 1.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 154 entitled "An Act to Further Safeguard the Taking of Property by Railroad Companies under Power of Eminent Domain."

Senator Knudsen moved that the recommendations of the Committee on Judiciary in both Reports of the Committee be adopted. Seconded by Senator Coelho and carried.

Senator Robinson moved to insert the words "in a registered letter" after the word "same" in line 81 of Section 1. Seconded by Senator Woods and carried.

Senator Harvey moved to insert the words "in English and Hawaiian" after the word "publication" in line 88 of Section 1. Seconded by Senator Woods and carried.

Senator Harvey moved to strike out the word "two" in line 88 of Section 1 and insert in lieu thereof the word "four." Seconded by Senator Baker and carried.

Senator Robinson moved to insert the words "or City and County" after the word "Counties" in line 83 of Section 1. Seconded by Senator Makekau and carried.

Senator Knudsen moved to strike out the word "said" in line 81 of Section 1 and insert in lieu thereof the word "such." Seconded by Senator McCarthy and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator McCarthy and carried.

The Senate proceeded with the Order of the Day.

Senator McCarthy moved that the Message (No. 2) of the Governor, submitting appointments subject to confirmation, be deferred until after the Appropriation Bill is passed by the Senate. Seconded by Senator Fairchild and carried.

Senator Fairchild, on behalf of the Committee on Ways and Means, reported verbally on House Bill No. 143, recommending that the Bill pass as recommended by the Committee on Education.

Upon motion of Senator Fairchild, seconded by Senator Knudsen, the Report of the Committee on Education on the Bill was adopted.

Third Reading of Senate Bill No. 86 entitled "An Act to Amend Section 1060 of Chapter 80 of the Revised Laws of Hawaii, relating to Medicine and Surgery."

Senator Coelho moved to strike out all of Section 1 after the words "and provided further," in line 13 and insert in lieu thereof the words "when a duly licensed physician pronounces a person afflicted with any disease hopeless and beyond recovery and shall give a written certificate to that effect to the person afflicted or his or her attendant nothing herein contained shall be held or construed to forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of such afflicted person. The provisions of this Act shall not be construed to amend or repeal the law respecting leprosy or segregation." Seconded by Senator McCarthy and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—1.

Senator Moore gave notice of intention to introduce a Bill entitled "An Act Providing for the Assessment of Property Benefited by the Honolulu Sewer System."

Under suspension of the Rules, Senator Moore introduced a Bill (S. B. No. 141) entitled "An Act Providing for the Assessment of Property Benefited by the Honolulu Sewer System."

The Bill was read by title and, upon motion of Senator Moore, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho, on behalf of the Committee on Public Health returned Senate Bills Nos. 24 and 94 to the Senate, the objects sought having been attained by the passage of Senate Bill No. 86, and recommended that the Bills be laid on the table.

Upon motion of Senator Coelho, seconded by Senator Knudsen, Senate Bills Nos. 24 and 94 were laid on the table.

Third Reading of Senate Bill No. 130 entitled "An Act to Authorize the Issuing of Land Patents for Certain Church Sites, or Sites for other Religious or Burial Purposes."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes—0.

Not Present: Senators Fairchild and Quinn—2.

Third Reading of House Bill No. 91 entitled "An Act to Authorize the Deposit of Territorial Moneys in Banks in this Territory."

Senator Moore moved to insert the words "Not more than Seventy-five per cent. (75 per cent) of" after the words "Section 1" in line 1 of Section 1. Seconded by Senator McCarthy and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Chillingworth—1.

Third Reading of House Bill No. 157 entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii Relating to Public Shows."

Senator Makekau moved to insert the words "or City and County" after the word "Counties" in line 44 of Section 1. Seconded by Senator Woods and carried.

Senator Knudsen moved to amend the title by inserting the words "Sections 1402 and 1403" before the word "Chapter." Seconded by Senator McCarthy and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Chillingworth—1.

Third Reading of House Bill No. 165 entitled "An Act Providing for the Care and Medical Treatment of Persons Afflicted with Leprosy."

Senator Makekau moved to insert the words "or any person claiming that he has a remedy for the cure of Leprosy" after the word "selection" in line 8 of Section 2. Seconded by Senator Baker and lost.

At 11:05 o'clock a Message (No. 14) from the Governor, vetoing House Bill No. 35, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii.

Executive Chamber.

Honolulu, April 13, 1909.

To the Legislature:

I herewith return, without my approval, House Bill No. 35, entitled "An Act to Amend Section 1 of Act 98, Session Laws of 1907, 'To designate the pay of laborers engaged in constructing or repairing roads, bridges or streets, water works or other works for the Territory of Hawaii or for any political subdivision thereof.'"

The purpose of the Bill is to prescribe a minimum wage of \$1.50 a day for laborers engaged on public works.

Aside from questions of constitutionality there are many reasons both of economic principles and special conditions why this Bill should not become law. It will be unnecessary to attempt to state all of these.

The Bill would frustrate its own general object, which is that of benefiting laborers, for it would necessitate the dismissal or

non-employment of many laborers who would otherwise be employed. If the funds available for the employment of labor on public works were unlimited, the case might be different; but, with the funds very much limited as they are, it is obvious that if wages were increased fewer laborers would be employed. The Bill may be prompted by a worthy desire to benefit the laboring class, but results are not always what they are intended to be, and in this case true friendship for the laboring class can best be shown by looking at the real rather than the apparent effect. The Bill might benefit some laborers, but it would be against the interests of the laboring class as a whole, for it would prevent many from obtaining employment.

Moreover, less would be accomplished in maintaining roads and other public improvements in good condition and in constructing new ones, and that would be to the detriment of all people in the Territory and tend to lessen or prevent an increase of taxable values and therefore tend to diminish the amount which would be obtained by taxes in the future with which laborers might be hired.

Further, the financial status of the Territory and the several counties is such that the rate of wages cannot safely be raised arbitrarily at the present time even if it would be wise to attempt to do so under better financial conditions.

WALTER F. FREAR,
Governor of Hawaii.

Senator Makekau moved to reconsider the passage of House Bill No. 35 on the Veto of the Governor. Seconded by Senator McCarthy and carried.

Senator Makekau moved that further action on the Bill be deferred until Wednesday, April 14, 1909. Seconded by Senator Chillingworth and carried.

The Senate proceeded with the consideration of House Bill No. 165.

Senator Makekau moved to insert the words "capable of spreading the disease" in line 12 of Section 2 after the word "Leper." Seconded by Senator Baker and lost.

Senator Baker moved to strike out Section 3. Seconded by Senator Makekau and lost.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Fairchild, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President

—10.

Noes: Senators Baker, Chillingworth, Coelho, Harvey and Makekau—5.

Second Reading of Senate Bill No. 123 entitled "An Act Making Special Appropriations for the Use of the Territory of Hawaii During the Two Years which will end with the Thirtieth Day of June, A. D. 1911."

Section 1. Senator Woods moved to strike out all items recommended by the Minority of the Committee except item of "Kula Pipe Line and Water Works, \$100,000.00." Seconded by Senator Coelho and carried.

The Section passed as amended.

Section 2. Recommendations of the Minority of Committee adopted.

Section 3. Recommendations of the Minority of the Committee adopted.

Senator Chillingworth moved that the Bill pass Second Reading as amended. Seconded by Senator Harvey and carried.

Second Reading of Senate Bill No. 140 entitled "An Act to Provide for the Reimbursement of the Territory for the Cost of the Kula Pipe Line."

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Bill passed Second Reading.

Second Reading of House Bill No. 90 entitled "An Act to Amend Section 1577 of the Revised Laws Relating to the Appointment of Jailors."

Senator Knudsen moved to adopt the Report of the Majority of the Committee. Seconded by Senator Fairchild and carried.

Senator McCarthy moved that Senate Concurrent Resolution No. 8 be referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of House Bill No. 180 entitled "An Act Relating to Taxation Amending Sections 1183, 1184, 1188, 1195, 1203, 1206, 1215B, 1216, 1217, 1221, 1222, 1235, 1237, 1243, 1244, 1245, 1247, 1259, 1263, 1264, 1265, 1266, 1267, 1268, 1271 of the Revised Laws of Hawaii, Repealing Section 1202 thereof and Adding Three New Sections thereto, Sections 1213A, 1221A and 1266A."

Senator McCarthy moved that consideration of the Bill be deferred until Wednesday, April 14, 1909, to be considered in Committee of the Whole. Seconded by Senator Chillingworth.

Senator Robinson moved as an amendment to also consider Senate Bills Nos. 32, 22, 21 and 20 with House Bill No. 180. Senator McCarthy accepted the amendment which carried.

Second Reading of House Bill No. 184 entitled "An Act to Amend Sections 1 and 2 of Act 11 of the Session Laws of 1909, entitled 'An Act to Amend Sections 2396, 2399, 2400 and 2431 of the Revised Laws and to Add a New Section to be known as Section 2429A to the Revised Laws, Relating to the Court of Land Registration.'"

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 185 entitled "An Act to Amend Section 2 of Act 22 of the Session Laws of 1909, entitled 'An Act to Define and Regulate the Treatment and Control of Dependent and Delinquent Children.'"

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 192 entitled "An Act to Amend Act 62 of the Session Laws of 1905 by Adding a New Section to be called Section 3A."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 199 entitled "An Act to Amend Chapter 102 of the Revised Laws as Amended, Relating to Licenses."

Referred to the Committee on Ways and Means.

Second Reading of House Joint Resolution No. 8.

Upon motion of Senator Coelho, seconded by Senator Makekau, the Resolution passed Second Reading.

Second Reading of Senate Bill No. 139 entitled "An Act to Provide for Public Improvements in the Several Counties by Authorizing the Assessment and Collection of an Additional Property Tax and the Expenditure of the Proceeds thereof for that purpose."

Referred to the Select Committee on Taxation.

Senator Fairchild, on behalf of the Committee on Ways and Means, returned House Bill No. 194 to the Senate, recommending that the Bill be laid on the table.

Upon motion of Senator Fairchild, seconded by Senator Chillingworth, the Bill was laid on the table.

Senator Knudsen, on behalf of the Committee on Judiciary, returned Senate Bill No. 35 to the Senate, recommending that the Bill be laid on the table.

Upon motion of Senator Kalama, seconded by Senator Coelho, the Bill was laid on the table.

A Communication (No. 199) from the House of Representatives, transmitting House Bill No. 202, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 202,
which this day passed Third Reading in the House of Representa-
tives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 202 entitled "An Act to
Provide for the Care, Custody, Control and Payment of Five
Thousand Seven Hundred and Seventy-five and 18-100 Dol-
lars (\$5,775.18), being the Money now in the Possession of
the Treasurer of the Territory and Designated or Known as
the Special Gold Certificate Deposit, Special Silver Certificate
Deposit and Special Postal Money Order Deposit."

The Bill was read by title and, upon motion of Senator
Coelho, seconded by Senator Kalama, passed First Reading.

A Communication (No. 200) from the House of Representa-
tives, transmitting House Bill No. 209, was read by the
Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 209,
which this day passed Third Reading in the House of Representa-
tives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 209, entitled "An Act to Amend Section 1320 of the Revised Laws in Relation to Stamp Duties."

The Bill was read by title, and upon motion of Senator Coelho, seconded by Senator Kalama, passed First Reading.

At 11:36 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Quinn and Carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 201) from the House of Representatives, informing the Senate of its non-concurrence in the amendment made to House Bill No. 138, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendment made by your Honorable Body to House Bill No. 138, and that the Speaker has appointed the following Conferees from the House:

Honorables Kaleiupu, Coney and Correa.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee for the further consideration of the Bill:

Senators Coelho, Fairchild and Harvey.

Senator Knudsen presented the Report (No. 241) of the Committee on Judiciary on House Bill No. 153, as follows:

SENATE JOURNAL.

SENATE CHAMBER,

Honolulu, T. H., April 12, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred House Bill No. 153, entitled "An Act to Divide the Territory into Districts for Election, Taxation, Educational, Judicial, City, County and all other Purposes," begs leave to report as follows:

This Bill remedies the defects of the former Bill passed by the Legislature and appears now to be in proper form.

Your Committee therefore recommends that the Bill pass.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

R. H. MAKEKAU,
CHAS. F. CHILLINGWORTH.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 153 entitled "An Act to Divide the Territory into Districts for Election, Taxation, Educational, Judicial, City, County and all other Purposes."

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee on the Bill was adopted.

At 2:18 o'clock the Senate resolved itself into Committee of the Whole for the consideration of House Bill No. 74, Senate Bill No. 49 and Senate Bill No. 132 on Second Reading, Senator Knudsen in the Chair.

At 5:05 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

A Communication (No. 55) from Mark P. Robinson, President of the Board of Health, replying to Senate Resolution No. 52, was read by the Clerk as follows: ,

TERRITORIAL BOARD OF HEALTH
HAWAII.

Honolulu, Hawaii, April 13, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii,
Senate Chamber,
Honolulu.

Gentlemen:—I have the honor to acknowledge the receipt of your letter, under date of April 9th, relative to a Resolution adopted in the Senate of the Territory of Hawaii, requesting that certain persons be brought back from the Leper Settlement to the Kalihi Receiving Station for re-examination, and to state in reply that your request will be brought before the Board of Health at its next regular meeting.

We will endeavor to have the necessary steamer accommodations arranged for in the near future.

Very respectfully,

MARK P. ROBINSON,
President, Territorial Board of Health.

The Communication was ordered received and placed on file. A Communication (No. 82) from H. P. Wood, Secretary of the Honolulu Chamber of Commerce, transmitting Resolution adopted against the passage of Senate Bill No. 139, was read by the Clerk as follows:

HONOLULU CHAMBER OF COMMERCE.

Honolulu, Hawaii, April 13th, 1909.

Hon. W. O. Smith,
President, Territorial Senate,
Honolulu.

Dear Sir:—I am directed to inform you that, at a special meeting of the Honolulu Chamber of Commerce, held this day, April 13th, 1909, the following resolution, introduced by Mr. A. W. T. Bottomley, was adopted unanimously:

“RESOLVED, that the Honolulu Chamber of Commerce deprecates any increase in the present property tax of one (1) per cent. which is now levied on the full valuation of property in this Territory and therefore does not favor Senate Bill No. 139, and

“BE IT FURTHER RESOLVED, that the Secretary be, and is hereby instructed to send a copy of this resolution to the President of the Territorial Senate.”

Respectfully yours,

H. P. WOOD,
Secretary.

The Communication was ordered received and placed on file.
At 5:06 o'clock upon motion of Senator Makekau, seconded by Senator Coelho, the Senate adjourned until 9 o'clock tomorrow morning.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FORTY-EIGHTH DAY.

Wednesday, April 14, 1909.

The Senate met, pursuant to adjournment, at 9 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth, Kalama and Quinn absent.

The Journal of the Forty-Seventh Day was read and, upon motion of Senator Fairchild, seconded by Senator Brown, approved as read.

The Senate proceeded with the consideration of Senate Bill No. 123 entitled “An Act Making Special Appropriation for the Use of the Territory of Hawaii During the Two Years

which will end with the Thirtieth Day of June, A. D. 1911," on Third Reading.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen Makekau, McCarthy, Moore, Robinson and Mr. President—12.

Noes—0.

Not Present: Senators Chillingworth, Quinn and Woods—3.

Third Reading of Senate Bill No. 140 entitled "An Act to Provide for the Reimbursement of the Territory for the Cost of the Kula Pipe Line."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes—0.

Not Present: Senators Chillingworth and Quinn—2.

Third Reading of House Bill No. 90 entitled "An Act to Amend Section 1577 of the Revised Laws Relating to the Appointment of Jailors."

Upon motion of Senator Knudsen seconded by Senator Baker, the Bill was recommitted to the Committee on Judiciary.

Third Reading of House Bill No. 143 entitled "An Act to Provide for the Establishment and Maintenance of the Library of Hawaii."

Senator Woods moved to insert the words "built at Hilo, County of Hawaii, and" after the words "to be" in line 2 of Section 1. Seconded by Senator Makekau and lost.

The Bill passed Third Reading on the following showing of

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—12.

Noes—0.

Not Present: Senators Chillingworth, Kalama and Quinn—3.

Third Reading of House Bill No. 153 entitled "An Act to Divide the Territory into Districts for Election, Taxation, Educational, Judicial, City, County and all other Purposes."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Robinson, Woods and Mr. President—11.

Noes—0.

Not Present: Senators Chillingworth, Kalama, Moore and Quinn—4.

Third Reading of House Bill No. 154 entitled "An Act to Further Safeguard the Taking of Property by Railroad Companies under Power of Eminent Domain."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes—0.

Not Present: Senators Chillingworth and Quinn—2.

Third Reading of House Joint Resolution No. 8.

The Resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes—0.

Not Present: Senators Chillingworth and Quinn—2.

Second Reading of House Bill No. 202 entitled "An Act to Provide for the Care, Custody, Control and Payment of Five Thousand Seven Hundred and Seventy-five and 18, 100 Dollars (\$5,775.18) being the Money now in the Possession of the Treasurer of the Territory and Designated or Known as the Special Gold Certificate Deposit, Special Silver Certificate Deposit and Special Postal Money Order Deposit."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 209 entitled "An Act to Amend Section 1320 of the Revised Laws in Relation to Stamp Duties."

Referred to the Committee on Ways and Means.

Senator Brown moved to take House Bill No. 167 off the table. Seconded by Senator Coelho and carried.

Senator Brown moved that House Bill No. 167 be recommended to the Select Committee of Hawaii Members. Seconded by Senator Coelho and carried.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 242) of the Committee on Judiciary on House Bill No. 175, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 13th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 175, entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, Relating to the Powers and Duties of the Boards of Supervisors," begs leave to report careful consideration of the same, and recommends the passage of the Bill with the following amendments:

Insert the words "condemnation of unsafe structures" after the word "buildings" in line 6 of Section 1.

Insert the words "and the collection and disposition of rubbish and garbage" after the word "morgues" in line 8 of Section 1.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,

I do not concur:

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 175 entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, Relating to the Powers and Duties of the Boards of Supervisors."

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee on the Bill was adopted.

Senator Knudsen presented the Report (No. 243) of the Committee on Judiciary on House Bill No. 89, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 14, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred

House Bill No. 89, entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Board of Supervisors of the City and County of Honolulu," begs leave to report that it has had the same under careful consideration and recommends the Bill pass amended to read as follows:

"Section 1. Subdivision 7 of Section 23 of Act 118 of the Session Laws of 1907 is hereby amended so as to read as follows:

7. To establish and maintain water works and sewer works; to collect rates for water supplied to consumers, and for the use of sewers. To take over from the Territory existing water works systems, including water rights, pipe lines and other appurtenances belonging thereto, and sewer systems, and to enlarge, develop and improve the same. To build, equip, maintain and regulate, and change, discontinue and re-establish hospitals, school houses, court houses, jails and houses of detention, punishment, confinement and reformation, and to give aid to hospitals. It shall be the duty of the Board to provide for the maintenance and repair of all existing school houses; police stations and jails, other than Oahu Prison; fire department buildings; and court houses, other than the Judiciary Building.

Section 2. This Act shall take effect on the first day of July, 1909."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Moore, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 244) of the Committee on Judiciary on House Bill No. 176, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 13th, 1909.

Hon. Wm. O. Smith,

President of the Senate,

Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 176, entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Supervisors," begs leave to report that it has carefully

considered the same, and would recommend the passage of the Bill with the following amendments:

Insert the words "condemnation of unsafe structures" after the word "buildings" in line 6 of Section 1.

Insert the words "and the collection and disposition of rubbish and garbage" after the word "morgues" in line 9 of Section 1.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

I do not concur:

R. H. MAKEKAU.

Upon motion of Senator Moore, seconded by Senator McCarthy, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 245) of the Committee on Judiciary on House Bills Nos. 79 and 88, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 14, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred House Bill No. 88 entitled "An Act to Amend Section 9 of Act 39 of the Session Laws of 1905 relating to the General Powers, liabilities and limitations of Counties," and House Bill No. 79 entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907 relating to the powers of the Board of Supervisors of the City and County of Honolulu", begs leave to report that it has had both Bills under careful consideration.

Your Committee has combined the objects of both Bills in one Bill and therefore recommends that House Bill No. 79 be laid upon the table, and House Bill No. 88 pass Second Reading with Sections 1 and 2 amended to read as follows:

"Section 1. Section 9 of Act 39 of the Session Laws of 1905 is hereby amended by adding thereto a new subdivision to be designated as 4A as follows:

"4A. To establish and maintain water works and sewer works; to collect rates for water supplied to consumers, and for the use of sewers. To take over from the Territory existing water works systems, including water rights, pipe lines and other appurtenances belonging thereto, and sewer systems, and to enlarge, develop and improve the same. To build, equip, maintain and regulate, and change, discontinue and re-establish hospitals, school houses, court houses, jails and houses of detention, punishment, confinement and reformation, and to give aid to hospitals. Each county shall provide for the maintenance and repair of all existing school houses, court houses and jails within its boundaries."

"Section 2. This Act shall take effect on the 1st day of July, 1909."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator McCarthy, seconded by Senator Knudsen, the Report of the Committee was adopted.

Senator Knudsen reported verbally for the Committee on Judiciary on Senate Resolution No. 34, recommending that the Resolution, with certain data furnished by the Chief Clerk of the Judiciary Department, be laid on the table to be considered with the Appropriation Bill.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Report of the Committee was adopted.

Senator Knudsen for the Committee on Judiciary asked leave to return Senate Bills Nos. 14 and 76 to the Senate to be placed in the Order of the Day, the Committee not being able to agree upon the same. Granted.

Senator Coelho on behalf of the Committee on Ways and Means reported verbally on Senate Bill No. 137, recommending the passage of the same.

The Bill was ordered placed on the Order of the Day.

Senator Knudsen for the Committee on Judiciary asked leave to return Senate Bill No. 13 to the Senate, the object sought having been attained by the passage of various House Bills.

Upon motion of Senator Coelho, seconded by Senator Knudsen, the Bill was laid on the table.

Second Reading of Senate Bill No. 137, entitled "An Act Relating to Balances of Road Tax Money in the Treasury of the Territory of Hawaii."

Upon motion of Senator Coelho, seconded by Senator McCarthy, the Bill passed Second Reading.

Second Reading of Senate Bill No. 76 entitled "An Act to Amend Section 1 of Act 53 of the Laws of 1907, Relating to Witnesses' Fees and Mileage."

Upon motion of Senator Coelho, seconded by Senator Harvey, the Bill passed Second Reading.

Second Reading of Senate Bill No. 14 entitled "An Act Relating to the Payment of Salaries and Wages of County Officers and County Employees."

Senator Coelho moved that the Bill pass Second Reading. Seconded by Senator Robinson.

Senator Knudsen moved that the Bill be laid on the table. Seconded by Senator McCarthy and carried.

A Communication (No. 202) from the House of Representatives, returning Senate Bill No. 138, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1909.

The Honorable President and

Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 138, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii, with the following amendments:

Amend the title of said Bill to read as follows:

"An Act to amend Act 62 of the Session Laws of 1909, relating to the expenditure of public money, repealing Section 8 and amending Section 9."

Insert a new section after Section 2 thereof to read as follows:

"Section 3. Section 8 of Act 62 of the Session Laws of 1909 is hereby repealed."

Re number Section 3 "Section 4."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file, and Senate Bill No. 138 referred to the Committee on Judiciary.

Senator Knudsen on behalf of the Committee on Judiciary asked leave to return House Bill No. 55 to the Senate. Granted.

Second Reading of House Bill No. 55, entitled "An Act to Repeal Section 1018 of the Revised Laws of Hawaii, Relating to Certificate of Vaccination."

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Bill passed Second Reading.

Senator Fairchild for the Committee on Ways and Means reported verbally on Senate Bills Nos. 87, 134 and 139, recommending that the same be considered in Committee of the Whole together with House Bill No. 180.

The Report of the Committee was adopted.

At 10:45 o'clock the Senate resolved itself into Committee of the Whole for the consideration on Second Reading of House Bill No. 180, together with Senate Bills Nos. 20, 21, 22, 32, 87, 134 and 139, Senator Chillingworth in the Chair.

At 11:25 o'clock the Senate came to order, Senator Chillingworth, for the Committee of the Whole, reporting progress and asking leave to sit again.

The Report of the Committee was adopted.

At 11:26 o'clock a Message (No. 15) from the Governor, nominating Charles R. Hemenway as Attorney General, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii.

Executive Chamber.

Honolulu, T. H., April 14, 1909.

To the Senate:

I hereby nominate and propose, with the advice and consent of the Senate, to appoint Charles R. Hemenway as Attorney General.

I do this on the understanding that the non-confirmation of Mr. Hemenway's former appointment was the result in part of misunderstandings as to the facts, and in the belief that, now

that the facts are more fully understood, the appointment now proposed will prove satisfactory to your honorable body.

WALTER F. FREAR,
Governor of Hawaii.

Senator Knudsen moved that the nomination be confirmed. Seconded by Senator Fairchild.

Senator Coelho moved that the vote be taken by ballot. Seconded by Senator Harvey and carried.

The Senate proceeded to ballot on the nomination of Charles R. Hemenway as Attorney General with the following result:

To Confirm	9	
Not to Confirm.....	5	
Blank	1	15

The Chair thereupon declared the nomination of Charles R. Hemenway as Attorney General to have been confirmed.

At 11:34 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of House Bill No. 180, together with Senate Bills Nos. 20, 21, 22, 32, 87, 134 and 139, Senator Chillingworth in the Chair.

At 12 o'clock the Senate came to order, Senator Chillingworth, for the Committee of the Whole reporting progress and asking leave to sit again.

Upon motion of Senator Harvey, seconded by Senator Brown, the Report of the Committee was adopted.

Under suspension of the Rules, Senator Brown presented the Report (No. 246) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 141 and Standing Committee Report No. 231, as follows:

Honolulu, T. H., April 14, 1909.

Honorable W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing, begs leave to report Senate Bill No. 141 and Standing Committee Report No. 231 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen presented the Report (No. 247) of the Committee on Judiciary on Senate Bill No. 113, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 14, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred Senate Bill No. 113, entitled "An Act Amending Paragraph 3 of Section 3069 of the Revised Laws Relating to Contempt," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to give a disturber the right to appeal from the District Magistrate. Such a right of appeal strikes at the very root of the authority of a judge to maintain order in his court and if it became law, no judge could maintain the dignity of his court.

Your Committee believes that it would be unwise to take such a power away from the court and therefore recommends that the Bill be Indefinitely Postponed.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Senator Knudsen moved to adopt the Report of the Committee. Seconded by Senator Fairchild.

Senator Coelho moved that the Report of the Committee be laid on the table to be considered with the Bill. Seconded by Senator Robinson and carried.

Senator Kalama presented the Report (No. 248) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Bill No. 55, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 14, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Territory of Hawaii.

Sir:—Your Public Lands Committee to whom was referred Senate Bill No. 55, entitled "An Act to Amend Paragraph 6 Chapter IV., Section 9, Act 39 of the Session Laws of 1905," begs leave to report that it has had the same under careful consideration, and recommends that it be referred to the Committee of the Whole for proper consideration.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS,

The Senate having passed a Bill covering this very subject I recommend that this Bill be tabled.

ERIC A. KNUDSEN.

Upon motion of Senator Moore, seconded by Senator Kalamala, the recommendation of the Minority of the Committee was adopted.

At 12:03 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Woods and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 203) from the House of Representatives, informing the Senate of its sustaining the Veto of the Governor on House Bill No. 35, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the Veto of the Governor on House Bill No. 35, entitled "An Act to Amend Section 1 of Act 98, Session Laws of 1907, 'To Designate the Pay of Laborers Engaged in Constructing or Repairing Roads, Bridges or Streets, Water Works or Other Works for the Territory of Hawaii, or for any political subdivision thereof,' " was this day sustained in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Senate proceeded with the consideration of the Message (No. 14) of the Governor, vetoing House Bill No. 35.

The Bill failed to pass on the Veto of the Governor on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Harvey, McCarthy, Moore, Robinson and Woods—7.

Noes: Senators Baker, Chillingworth, Knudsen, Makekau, Quinn and Mr. President—6.

Not Present: Senators Fairchild and Kalama—2.

At 2:06 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of House Bill No. 180, together with Senate Bills Nos. 20, 21, 22, 32, 87, 134 and 139. Senator Chillingworth in the Chair.

At 3:40 o'clock the Senate came to order, Senator Chillingworth, for the Committee of the Whole, reporting progress and asking leave to sit again, and further recommending the passage on Second Reading of Senate Bills Nos. 134 and 139 and the tabling of Senate Bills Nos. 20, 21, 22, 32 and 87.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

A Communication (No. 56) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 77, 78, 79, 80 and 81 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 14, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—The honor falls upon me to inform your Honorable Body that the Governor has this day, April 14, 1909, signed the following Bills:

House Bill No. 54, Act 77, entitled "An Act Relating to Inventories of Government Assets";

House Bill No. 170, Act 78, entitled "An Act to Provide for Refunding Bonded Indebtedness of the Territory of Hawaii";

House Bill No. 177, Act 79, entitled "An Act to Amend Section 23 of An Act entitled 'An Act Incorporating the City and County of Honolulu' Being Act 118 of the Session Laws of 1907";

House Bill No. 29, Act 80, entitled "An Act to Amend Act 99 of the Session Laws of 1905, entitled 'An Act Providing for the Construction of Roads Through and from Public Lands Opened for Settlement'";

House Bill No. 165, Act 81, entitled "An Act Providing for the Care and Medical Treatment of Persons Afflicted with Leprosy."

Very respectfully,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
A Communication (No. 57) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 82 by the Governor, was read by the Clerk as follows:

SENATE JOURNAL.

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 14, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—I have the honor of informing your Honorable Body that the Governor has this day, April 14, 1909, signed the following Bill:

House Bill No. 173, Act 82, entitled "An Act to Authorize Public Accountants to Deposit Territorial Moneys in Banks."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act Relating to Labor by Prisoners."

Under suspension of the Rules, Senator Fairchild introduced a Bill (S. B. No. 142) entitled "An Act Relating to Labor by Prisoners."

The Bill was read by title and, upon motion of Senator Fairchild, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Senator Chillingworth offered the following Resolution (No. 59) relating to an appropriation of \$10,000.00 for the construction of Palolo Belt Road:

BE IT RESOLVED by the Senate of the Territory of Hawaii that the sum of \$10,000.00 may be inserted in the Appropriation Bill to pay for the construction and completion of the Palolo Belt Road in accordance with the surveys heretofore made by the Department of Public Works.

CHAS. F. CHILLINGWORTH,
Senator, 3rd District.

Senator Chillingworth moved that the Resolution be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Harvey and carried.

At 3:45 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of House Bill No. 74, together with Senate Bills Nos. 49 and 132, on Second Reading, Senator Knudsen in the Chair.

At 3:56 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again.

The Report of the Committee was adopted.

At 3:37 o'clock a Message (No. 16) from the Governor, submitting additional appointments subject to confirmation, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii.

Executive Chamber.

Honolulu, T. H., April 14, 1909.

To the Senate:

I hereby nominate and propose, with the advice and consent of the Senate, to appoint the following persons to the following offices:

Board to Allot One-Fourth of Special Income Tax.

(Act 33, Laws of 1909.)

Joseph P. Cooke,
Marston Campbell,
E. V. Wilcox.

Fruit-Growing and Truck-Farming Commission.

(Joint Resolution No. 1, Session of 1909.)

E. V. Wilcox,
Alfred W. Carter,
Theodore F. Lansing.

Board of License Commissioners.

Oahu—

F. L. Waldron,
Willard E. Brown.

Kauai—

Edwin M. Desha.

Department of Public Instruction.

William Hyde Rice,
Worth O. Aiken,
John T. Moir.

WALTER F. FREAR,
Governor of Hawaii.

Upon motion of Senator Chillingworth, seconded by Senator Harvey, action on the Message was deferred until Thursday afternoon, April 15th, 1909.

At 3:58 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of House Bill No. 74 together with Senate Bills Nos. 49 and 132, on Second Reading, Senator Knudsen in the Chair.

At 5:04 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again.

The Report of the Committee was adopted.

At 5:05 o'clock, upon motion of Senator Coelho, seconded by Senator Woods, the Senate adjourned until 9 o'clock tomorrow morning.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FORTY-NINTH DAY.

Thursday, April 15th, 1909.

The Senate met, pursuant to adjournment, at 9 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth (excused), Kalama and Quinn absent.

The Journal of the Forty-Eighth Day was read and, upon motion of Senator Woods, seconded by Senator Harvey, approved as read.

A Communication (No. 204) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 157 and of the appointment of a Conference Committee, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 157, and that the Speaker has appointed the following Conferees from the House:

Honorables Cohen, Kinney and Kamahu.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee for the further consideration of House Bill No. 157: Senators Fairchild, Moore and Woods.

A Communication (No. 205) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 154, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 154.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Knudsen presented the Report (No. 248A) of the Committee on Judiciary on Senate Bill No. 138, as amended by the House of Representatives, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 15, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 138 entitled "An Act to Amend Section 62 of the Session Laws of 1909, Relating to the Expenditure of Public Money," as amended by the House of Representatives, begs leave to report as follows:

The amendment offered by the House strikes out Section 8 of Act 62, which related to the Purchasing Agent.

Your Committee believes thoroughly in a Purchasing Agent, but in view of the fact that this Territory is scattered over so wide an area and also of the fact that the Heads of the various departments have had their attention called to the necessity of using greater care in the ordering of supplies, your Com-

mittee recommends that the Senate concur in the amendments offered by the House.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Senator Knudsen moved to adopt the Report of the Committee. Seconded by Senator McCarthy and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Woods and Mr. President—II.

Noes: Senator Robinson—I.

Not Present: Senators Chillingworth, Fairchild and Quinn—3.

Senator Woods presented the Report (No. 12) of the Select Committee of Hawaii Members on House Bill No. 167, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 15, 1909.

Honorable Wm. O. Smith,

President of the Senate,

Honolulu.

Sir:—Your Select Committee of Hawaii Members, to whom was referred House Bill No. 167 entitled "An Act to Prohibit the taking of Fish with nets in the Waters of the Bay of Hilo", begs leave to report that it has had the same under careful consideration.

When the Bill was first considered, your Committee recommended that it be laid upon the table, but since said recommendation, your Committee has been in receipt of petitions and

letters from parties interested in this matter in Hilo, requesting that said Bill be passed.

Your Committee therefore recommends the passage of this Bill.

Respectfully submitted,

PALMER P. WOODS.

Chairman;

JOHN T. BROWN,

D. K. BAKER,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 167 entitled "An Act to Prohibit the Taking of Fish with Nets in the Waters of the Bay of Hilo."

Upon motion of Senator Woods, seconded by Senator Brown, the Report of the Committee on the Bill was adopted.

A Wireless Message (No. 83) from the Board of Trade of Hilo, endorsing the action of the Shippers' Wharf Committee of Hilo, in opposing the putting of health matters under County control, was read by the Clerk as follows:

WIRELESS TELEGRAPH COMPANY, LTD.

Honolulu Office, April 14, 1909.

Time received, 5 p. m.

By whom received, DOC.

Office of origin, Hilo.

To W. O. Smith,

From Board of Trade, Hilo.

President of the Senate,

Honolulu.

Hilo Board of Trade unanimously endorses action of Shippers' Wharf Committee of Hilo in vigorously opposing legislation of any sort putting health matters under County control.

The Message was ordered received and placed on file.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 76 entitled "An Act to

Amend Section 1 of Act 53 of the Laws of 1907, Relating to Witnesses' Fees and Mileage."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Chillingworth and Quinn—2.

Third Reading of Senate Bill No. 134 entitled "An Act to Amend Section 1225 of the Revised Laws of the Territory of Hawaii Relating to Exemption on Personal and Property Taxes."

Senator McCarthy moved to amend Section 2 to read:

"Section 2. This Act shall take effect from December 31, 1909." Seconded by Senator Robinson and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—12.

Noes: 0.

Not Present: Senators Chillingworth, Fairchild and Quinn—3.

Third Reading of Senate Bill No. 139 entitled "An Act to Provide for Public Improvements in the Several Counties by Authorizing the Assessment and Collection of an Additional Property Tax and the Expenditure of the Proceeds thereof for that Purpose."

Upon motion of Senator Knudsen, seconded by Senator Harvey, action on the Bill was deferred until called up by the Senate.

Third Reading of House Bill No. 55 entitled "An Act to Repeal Section 1018 of the Revised Laws of Hawaii, Relating to Certificate of Vaccination."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson and Mr. President—11.

Noes: 0.

Not Present: Senators Chillingworth, Fairchild, Quinn and Woods—4.

Third Reading of House Bill No. 88 entitled "An Act to Amend Section 9 of Act 39 of the Session Laws of 1905, Relating to the General Powers, Liabilities and Limitations of Counties."

The President here called the Vice-President to the Chair.

Senator Smith moved to insert the word "and" between the words "equip" and "maintain" in line 10 of Section 1 and strike out the words "and regulate and change, discontinue and re-establish" in lines 10 and 11 of Section 1. Seconded by Senator Harvey.

Senator McCarthy moved that action on the Bill be deferred until Friday, April 16th, 1909, and that copies of the Bill be typewritten by the Clerk and furnished the Members. Seconded by Senator Fairchild.

Senator Knudsen moved as an amendment that House Bill No. 88 be also deferred until Friday, April 16th, 1909, and that copies of both Bills be typewritten by the Clerk and furnished the Members. Senator McCarthy accepted the amendment which carried.

Third Reading of House Bill No. 175 entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, Relating to the Powers and Duties of the Board of Supervisors."

Upon motion of Senator Knudsen, seconded by Senator Kalamana, action on the Bill, together with House Bill No. 176, was deferred until Friday, April 16th, 1909.

Second Reading of Senate Bill No. 113 entitled "An Act Amending Paragraph 3 of Section 3069 of the Revised Laws Relating to Contempt."

Upon motion of Senator Makekau, seconded by Senator Knudsen, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 141 entitled "An Act Providing for the Assessment of Property Benefited by the Honolulu Sewer System."

Referred to the Committee on Judiciary.

A Communication (No. 206) from the House of Representatives, transmitting House Concurrent Resolution No. 18, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Reso-

lution No. 18, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully submitted,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

Be It Resolved by the House of Representatives of the Legislature of the Territory of Hawaii, the Senate Concurring:

That it is the sense of the Legislature that the Auditor of the Territory shall, semi-annually, make public advertisement for tenders for furnishing current supplies to all departments of the territorial government for the next ensuing six months period, and shall notify the heads of such departments of the name or names of the bidder or bidders whose tenders are deemed by him to be most satisfactory, and that for such period, so far as practicable, the current supplies shall be purchased only from such bidder or bidders in accordance with such tenders.

The Communication was ordered received and placed on file. Upon motion of Senator McCarthy, seconded by Senator Knudsen, the Concurrent Resolution was adopted.

A Communication (No. 207) from the House of Representatives, transmitting House Concurrent Resolution No. 19, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 19, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully submitted,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

Be It Resolved by the House of Representatives of the Territory of Hawaii, the Senate Concurring:

That it is declared to be the opinion of this Legislature that expenditures by the Board of Agriculture and Forestry during the biennial period ending June 30, 1911, should be made, as nearly as may be, according to the following schedule:

General.

Clerks, Stenographers, Employees, Laborers and other expenses.	\$ 36,960.00
Aid to Hawaii Experiment Station.	10,000.00

Division of Forestry.

Superintendent (\$250.00)	\$ 6,000.00
Assistants, Laborers, etc.	9,000.00

Division of Entomology.

Superintendent (\$250.00)	\$ 6,000.00
Assistants, Inspectors, Employees.	9,000.00

Division of Animal Industry.

Superintendent (\$250.00)	\$ 6,000.00
Assistants, Employees.	5,040.00

Hydrographic Survey.

Hydrographic Survey.	\$ 20,000.00
(To be expended under the direction of the Superintendent of Public Works.)	
	<hr/> \$108,000.00

AND BE IT FURTHER RESOLVED, that it is the opinion of this Legislature that the Board of Agriculture and Forestry should, during the next biennial period, use every effort possible to accomplish the re-forestation of those portions of the Territory where the former forests have died out or been destroyed, more especially in the Kohala mountains on the Island of Hawaii where large irrigation ditches are conveying waters gathered from the water shed into the Districts of Kohala and Hamakua; that it favors the establishment of substations by

the Board on each island, to be used as nurseries for young trees and as distributing centers; that it strongly recommends that the Board have translated into the Hawaiian language and distributed to such persons as are interested, the bulletins issued by the Board from time to time respecting agriculture, animal industry and entomology, which may be beneficial to its citizens; that it urges upon the Board the advisability of expending the sum of Five Thousand Dollars or so much thereof as may be necessary for the sinking of artesian wells at Kapiolani Park and it recommends that the Board require each of its bureau heads to visit each island of the Territory at least once every six months or as often as the Board shall find practicable for the purpose of imparting technical information directly to such of the native Hawaiians and other persons as are interested.

AND BE IT FURTHER RESOLVED, that it is the opinion of this Legislature that the Island of Kahoolawe should not be leased upon the termination of the existing lease, but that every effort should be made by the proper authorities for the killing of all animal life upon said island and for the improvement and restoration of the plant life thereon.

The Communication was ordered received and placed on file and House Concurrent Resolution No. 19 referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

A Communication (No. 208) from the House of Representatives, returning Senate Bill No. 30, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 30, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend the title to read:

“An Act relating to the Disposition of Fines, Costs and Bail Moneys in certain cases”;

Also amend Sections 1 and 2 to read as follows:

"Section 1. All moneys paid for costs in civil cases, and for fines and costs in criminal cases which shall be received or collected by any district magistrate in cases in which no appeal has been taken and perfected to the Circuit or Supreme Court, and all moneys paid for fines and costs which shall be received or collected by any sheriff, deputy sheriff, or police officer upon any mittimus, execution or other writ issued by such magistrate, including bail moneys forfeited in any district court, shall be paid by the magistrate or other officer who shall have received or collected the same to the treasurer of the county in which such magistrate or officer has jurisdiction, and shall be accounted for by such treasurer as a county realization."

"Section 2. This Act shall take effect on July 1, 1909."

Respectfully submitted,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Upon motion of Senator Fairchild, seconded by Senator Knudsen, Senate Bill No. 30 was referred to the Committee on Ways and Means.

A Communication (No. 209) from the House of Representatives, transmitting House Bill No. 208, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 208, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 208 entitled "An Act Providing for an Annual License upon the Business of Transmitting and Receiving Messages and Intelligence by Wireless Telegraph and Prescribing Penalties for Failure to Procure such Licenses."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Brown, passed First Reading, the Clerk being ordered to furnish typewritten copies of the Bill to the Members.

Senator Fairchild for the Committee on Ways and Means returned House Bill No. 38 to the Senate, recommending its passage as amended by the former Report of the Committee.

Second Reading of House Bill No. 38 entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Report of the Committee on the Bill was adopted.

At 10:24 o'clock a recess was taken subject to the call of the Chair.

At 10:43 o'clock the Senate reconvened.

Senator Fairchild presented the Report (No. 249) of the Committee on Ways and Means on Senate Bill No. 107, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 15, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means to whom was referred Senate Bill No. 107 has had the same under careful consideration and begs leave to report and would recommend to amend the Bill as follows:

1.—Strike out all of the items from line 23 down to and including line 48; the reason for this being: (1) None of the members of the Board of Registration were paid for completing their work after the close of the regular registration period, and were not supposed to have been paid, as they were given to understand before the commencement of their work, that they would not be paid for any extra time; and (2) None of the expenses for attending and prosecuting circuit court cases by the

County Attorneys were paid by the department of the Attorney General. Each County, since the inauguration of County Government in 1905, prosecuted cases and paid all expenses incidental thereto, excepting, where the cases originated out of the investigations prosecuted by the Attorney General's Department.

Insert in lieu thereof: "Claim of O. Tolleffsen \$250.00."

As to the claims from line 8 to 20 inclusive, the Committee would say: They are for services rendered by members of the Boards of Registration of Hawaii, Maui and Kauai, in completing their work after the close of the regular registration period. The Oahu members of similar Board were paid. These also should be paid. The Committee, however, is of the opinion, that the amounts claimed by the Hawaii and Maui Boards seem exorbitant, as compared with the amount of work actually performed. It took the Hawaii Board 12 days over-time, and the Maui Board, 15 days, while the Kauai Board completed its work in only 2 days' over-time. Conceding that there was more work on Hawaii than Maui, surely the work was not of such a character as to require so much extra over-time. Therefore, the Committee recommends the figures "\$84.00" on lines 8, 9 and 10 be changed to read: "\$28.00"; and the figures "\$105.00" on lines 13, 14 and 15 be changed to read: "\$35.00."

The item "Claim of W. K. Keoho, etc.," in line 52, your Committee finds is an old claim for damages resulting from the action of the representatives of the Public Works Department in 1900, in cutting a roadway through a portion of the burial lot of claimant's ancestors. The portion of land so taken, opened up several of the graves and caused the remains of the persons buried therein to be scattered, and they were only gathered up, as we are informed, with great trouble. While it may seem exorbitant, the Committee feels, the claim is not any too much, when considering the desecration done by the officials who cut through claimant's land.

Very respectfully submitted,

JOHN T. BROWN,

We do not concur in total except as to the item "Claim of O. Tolleffsen, \$250.00."

GEO. H. FAIRCHILD,

H. T. MOORE,

E. W. QUINN.

I do not concur in the recommendations reducing and striking out the claims.

W. J. COELHO.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 250) of the Committee on Ways and Means on House Bill No. 84, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 14, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means to whom was referred House Bill No. 84, entitled "An Act to Amend Act 39 of the Session Laws of 1905 entitled 'An Act Creating Counties within the Territory of Hawaii and providing for the Government Thereof,' " begs leave to report that it has had the same under careful consideration.

This Bill has been held in the Committee owing to the belief that general retrenchment in the Territory and Counties was advisable, but when the majority vote to increase the salaries of County Officers in other Counties took place, your Committee deemed it unjust to hold back any Bill which would increase the pay of capable officers in a County which is so well administered as is the County of Kauai.

Your Committee therefore recommends the passage of the Bill amended to include the words:

"County Treasurer of Kauai, \$1,800.00" in place of "\$1,500.00" as in the present law.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;

W. J. COELHO,
H. T. MOORE,
JOHN T. BROWN,
E. W. QUINN.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 84 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof'."

Upon motion of Senator Fairchild, seconded by Senator Coelho, the Report of the Committee on the Bill was adopted.

Second Reading of Senate Bill No. 107 entitled "An Act Making Special Appropriations for the Use of the Government of the Territory of Hawaii to Pay the Unpaid Bills up to December 1, A. D. 1906."

Senator Fairchild moved to strike out the item "S. L. Desha \$84.00" under the head of "Secretary's Office, Expenses of Board of Registration." Seconded by Senator McCarthy and lost.

Senator Brown moved that the item pass at \$28.00. Seconded by Senator Woods and carried.

Senator Coelho moved that the items "Jos. Pritchard, \$84.00" and "Eugene H. Lyman, \$84.00" pass at \$28.00 each. Seconded by Senator Brown and carried.

Senator Coelho moved that the items "S. Kapu, \$105.00", "Geo. Weight, \$105.00" and "W. F. Crockett, \$105.00" under the head of "Election Expenses, Board of Registration of Maui, 1904" pass at \$35.00 each. Seconded by Senator Brown.

Senator Woods moved that the items pass at \$28.00 each. Seconded by Senator Chillingworth and carried.

Senator Woods moved that the Bill be Indefinitely Postponed. Seconded by Senator Fairchild.

Senator Fairchild moved to amend the Bill so as to include but two items, viz: "Claim of O. Tollefsen, \$250.00" and "Claim of W. K. Keoho, of Kipahulu, Maui, for land taken for Road Purposes in 1900, and for disturbing the remains of the ancestors of the claimant, \$200.00." Seconded by Senator Woods and carried.

The Bill passed Second Reading as amended.

Second Reading of Senate Bill No. 27 entitled "An Act to Amend Section 1418G of Chapter 102 of the Revised Laws of Hawaii as Amended by Act 96 of the Laws of 1907."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Bill was laid on the table.

Second Reading of Senate Bill No. 89 entitled "An Act to Amend Section 1418F, Chapter 102 of the Revised Laws of Hawaii as Amended by Act 96 of the Session Laws of 1907 Relating to Merchandise Brokers."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Bill was laid on the table.

Senator Makekau moved to take up Senate Bill No. 139 for consideration. Seconded by Senator Brown and carried.

Third Reading of Senate Bill No. 139 entitled "An Act to Provide for Public Improvements in the Several Counties by

Authorizing the Assessment and Collection of an Additional Property Tax and the Expenditure of the Proceeds thereof for that Purpose."

Upon motion of Senator Makekau, seconded by Senator Knudsen, the Bill was referred to the Committee on Judiciary.

Senator Knudsen for the Committee on Judiciary reported verbally on House Bill No. 90, recommending its passage with the following amendment:

Insert the words "The Sheriffs within their respective Counties, and the Sheriff of the City and County of Honolulu, shall be held responsible for the safekeeping of all prisoners who may be confined within the various County or City and County Jails respectively" at the end of Section 1.

Senator Knudsen moved to adopt the recommendation offered by the Committee. Seconded by Senator Coeiho and carried.

Senator Chillingworth moved that further consideration of the Bill be deferred until Friday, April 16th, 1909. Seconded by Senator Coelho and carried.

At 11:25 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of House Bill No. 74, together with Senate Bills Nos. 39 and 132, on Second Reading, Senator Knudsen in the Chair.

At 11:59 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting progress and asking leave to sit again.

Upon motion of Senator Knudsen, seconded by Senator Brown, the Report of the Committee was adopted.

Under suspension of the Rules, Senator Robinson offered the following Joint Resolution (No. 3) relating to the appointment by the Governor of a Commission to be known as the "School Fund Commission":

JOINT RESOLUTION.

BE IT RESOLVED by the Legislature of the Territory of Hawaii, that the Governor of the Territory shall as soon as practicable, after the approval of this resolution, appoint a Commission of three members, who shall be experienced and competent persons, to be known as the "School Fund Commission" who shall thoroughly examine and investigate the methods of raising and apportioning school funds elsewhere and who shall consider ways and means for the revision and betterment of the methods now employed in this Territory for such purpose.

The Commissioners shall serve without pay but the sum of Two Hundred and Fifty (\$250.00) Dollars is hereby appropriated for its expenses.

The Commission shall not later than July 1, 1910, report to the Governor their conclusions, with their recommendations pertaining thereto and such Bill or bills as it may deem necessary for the effectuation of such recommendations.

The Resolution was read and, upon motion of Senator McCarthy, seconded by Senator Brown, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 12 o'clock Senator Woods moved to take a recess until 2 o'clock. Seconded by Senator Coelho and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 210) from the House of Representatives, transmitting House Bill No. 193, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 193, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 193 entitled "An Act to Add a New Section to Act 99 of the Session Laws of 1907, Relating to Garnishment, to be known as Section 2A."

The Bill was read by title and, upon motion of Senator Kalamana, seconded by Senator Quinn, passed First Reading.

A Communication (No. 211) from the House of Representatives, transmitting House Bill No. 198, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 198,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 198 entitled "An Act Re-
lating to Juries, Amending Section 1782 of the Revised Laws
as Amended by Act 74 of the Laws of 1905 and as further
Amended by Act 80 of the Laws of 1907."

The Bill was read by title and, upon motion of Senator
Quinn, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 212) from the House of Representa-
tives, transmitting House Bill No. 196, was read by the Clerk
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 196,
which this day passed Third Reading in the House of Represen-
tatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 196 entitled "An Act to Amend Section 390B of the Revised Laws as Enacted by Act 82 of the Session Laws of 1905."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Robinson, passed First Reading.

A Communication (No. 213) from the House of Representatives, returning Senate Joint Resolution No. 2, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Joint Resolution No. 2, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 214) from the House of Representatives, returning Senate Bill No. 106, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 106, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend Section 1 as follows:

In line 116, amend "D. H. Kinoi" to read "D. H. Kenoi";
In line 117, amend "J. Kaianae" to read "J. Kaiama";
In line 118, amend "J. Pestano" to read "J. Pestana";
In line 120, amend "S. Kimona" to read "Simeona Kahana";
In line 121, amend "C. W. Kohawai" to read "C. W. Kahawai";
In line 122, amend "Kaianae Liilii" to read "Kaiama Liilii";
In line 126, amend "O. Yutaro" to read "O. Yotaro"; and
In line 157, amend "Wm. Harbottel" to read "Wm. Harbottle."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Coelho moved that the Senate concur in the amendments made by the House of Representatives to Senate Bill No. 106. Seconded by Senator McCarthy and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Kalama—I.

A Communication (No. 215) from the House of Representatives returning Senate Bill No. 115, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1909.

The Honorable President and

Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 115, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 216) from the House of Representatives, returning Senate Bill No. 124, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 124, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 217) from the House of Representatives, returning Senate Bill No. 102, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 102, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Senate proceeded with the consideration of the Message (No. 16) of the Governor, submitting additional appointments subject to confirmation.

"Board to Allot One-Fourth of Special Income Tax.

(Act 33, Laws of 1909)

Joseph P. Cooke,
Marston Campbell,
E. V. Wilcox."

Senator Coelho moved that the appointments be confirmed. Seconded by Senator Fairchild and carried.

"Fruit-Growing and Truck-Farming Commission.

(Joint Resolution No. 1, Session of 1909)

E. V. Wilcox,
Alfred W. Carter,
Theodore F. Lansing."

Senator McCarthy moved that the appointments be confirmed. Seconded by Senator Coelho and carried.

"Board of License Commissioners.

Oahu:

F. L. Waldron."

Senator McCarthy moved that the appointment be confirmed. Seconded by Senator Fairchild and carried.

Willard E. Brown."

Senator McCarthy moved that the appointment be confirmed. Seconded by Senator Fairchild and carried.

"Kauai:

Edwin M. Desha."

Senator Knudsen moved that the appointment be confirmed. Seconded by Senator Fairchild and carried.

"Department of Public Instruction.

William Hyde Rice.

Senator Fairchild moved that the appointment be confirmed. Seconded by Senator Knudsen and carried.

Worth O. Aiken.

Senator Robinson moved that action on the appointment be deferred until Monday, April 29th, 1909. Seconded by Senator Woods and carried.

John T. Moir."

Senator Woods moved that the appointment be confirmed. Seconded by Senator Coelho and carried.

Under suspension of the Rules, Senator Kalama offered the following Concurrent Resolution (No. 9) requesting the Congress of the United States to increase the salary of the Governor of Hawaii to \$10,000.00 a year:

CONCURRENT RESOLUTION.

WHEREAS, by reason of the geographical position and economic situation of the Territory of Hawaii there are, in addition to the ordinary problems of government, many unusual and great responsibilities and duties devolving upon the Governor of the Territory, and

WHEREAS, the present salary provided by law for the Governor of this Territory is inadequate in view of the high cost of living in the Territory and the expense of entertainment of distinguished visitors to the Territory, and insufficient in view of the heavy responsibilities and duties which rest upon him,

THEREFORE BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF HAWAII, THE HOUSE OF REPRESENTATIVES CONCURRING:

That it is the sense of the Legislature of the Territory of Hawaii that the Organic Act of this Territory should be so amended as to place the salary of the Governor at the sum of Ten Thousand Dollars per year, and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the President of the United States, the President of

the Senate and Speaker of the House of Representatives of the Congress of the United States, and to the Delegate from Hawaii to said Congress.

S. E. KALAMA,
Senator, 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator McCarthy and carried unanimously.

At 2:18 o'clock the Senate resolved itself into Committee of the Whole for the further consideration of House Bill No. 74, together with Senate Bills Nos. 49 and 132, on Second Reading, Senator Knudsen in the Chair.

At 4:54 o'clock the Senate came to order, Senator Knudsen, for the Committee of the Whole, reporting consideration of the Bills and recommending the tabling of Senate Bills Nos. 49 and 132 and the passage of House Bill No. 74, as amended by the Committee, and asked for further time within which to present a written report.

Upon motion of Senator Coelho, seconded by Senator Quinn, the Report of the Committee was adopted.

At 4:58 o'clock upon motion of Senator Coelho, seconded by Senator Woods, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTIETH DAY.

Friday, April 16, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Forty-Ninth Day was read and, upon motion of Senator Coelho, seconded by Senator Brown, approved as read.

A Message (No. 17) from the Governor, vetoing Senate Bill No. 67, was read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii.**Executive Chamber,**

Honolulu, April 16, 1909.

To the Legislature:

I herewith return, without my approval, Senate Bill No. 67, entitled "An Act to Amend Chapter 37 of the Revised Laws of Hawaii, relating to game, by adding thereto a new section to be known as Section 459A."

The object of the Bill is to make a close season for wild deer for five months each year. It would operate at present only on the Island of Molokai on which island alone such deer exist.

I have carefully considered this Bill and have heard much for and against it, by those who desire a close season for the huntsman's sport and those who either as owners of forest lands or otherwise interested in the preservation of the forests desire protection from the depredations of the deer.

No doubt it can be said with much plausibility that the Bill, while preserving deer for the sake of the huntsman, would prove comparatively harmless because the deer on the Island of Molokai are at present so few in number as to do little damage, and yet it seems to me that this argument is unsound.

The preservation of forests on that island is a matter of the greatest importance to agricultural and grazing interests, both large and small. The evidence is overwhelming that the deer have destroyed much of those forests. Owners and lessees of various tracts of land have gone to the expense of killing off most of the deer and constructing fences to protect the forests. Huntsmen for sport did not keep the deer from multiplying in ruinous numbers.

It does not seem right that deer should be protected during part of the year for the benefit of sportsmen to the detriment of others who would have to destroy them during the rest of the year in order to protect their property interests.

If the argument were sound that the deer should be protected for the benefit of sportsmen on the ground that there are now too few to do much damage, it would seem equally sound to introduce a few deer and protect them in the same way on each of the other islands, on the ground that a few could not do much damage.

WALTER F. FREAR,
Governor of Hawaii.

Senator Quinn moved to reconsider the passage of Senate Bill No. 67 on the Veto of the Governor. Seconded by Senator Knudsen and carried.

Senator Quinn moved that the Bill pass notwithstanding the Veto of the Governor. Seconded by Senator Woods and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—14.

Noes: Mr. President—1.

A Communication (No. 58) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 83, 84, 85 and 86 and Joint Resolution No. 4 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii,

Honolulu, T. H., April 16, 1909.

Honorable W. O. Smith,

President of the Senate,

Legislature of Hawaii, Honolulu.

Sir:—This is to inform you that the Governor has signed the following Bills and Joint Resolution:

House Bill No. 143, Act 83, Entitled "An Act to Provide For the Establishment and Maintenance of the Library of Hawaii;"

House Bill No. 153, Act 84, Entitled "An Act to Divide the Territory Into Districts For Election, Taxation, Educational, Judicial, City, County and All Other Purposes;"

Senate Bill No. 138, Act 85, Entitled "An Act to Amend Act 62 of the Session Laws of 1909, Relating to the Expenditure of Public Money, Repealing Section 8 and Amending Section 9."

House Bill No. 154, Act 86, Entitled "An Act to Further Safeguard the Taking of Property by Railroad Companies Under Power of Eminent Domain;"

House Joint Resolution No. 8, Joint Resolution 4, Relating to the Appointment of a Milk Commission.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
A Communication (No. 218) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 91 and of the appointment of a Conference Committee on the same, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 91, and that the Speaker has appointed the following Conferees from the House:

Honorables Shingle, Rice and Kaleiupu.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee for the further consideration of House Bill No. 91: Senators Fairchild, Knudsen and McCarthy.

Senator Brown presented the Report (No. 251) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 142 and Senate Joint Resolution No. 3, as follows:

Honolulu, T. H., April 16, 1909.

Hon. W. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 142 and Senate Joint Resolution No. 3 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. MCCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Coelho for the Committee on Public Health asked leave to return House Bill No. 164 as amended by the attorneys of the Committee, to be referred to the Committee on Enrollment, Revision and Printing. There being no objection the request was granted.

Senator Knudsen presented the Report of the Committee of the Whole on House Bill No. 74 and Senate Bills Nos. 49 and 132, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 16, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee of the Whole, to whom was referred House Bill No. 74, entitled “An Act Making Appropriations for Current Expenses for the Biennial Period ending June 30, 1911”, and Senate Bills Nos. 49 and 132, begs leave to report that it has had the same under careful consideration and would recommend the tabling of Senate Bills Nos. 49 and 132, and the passage of House Bill No. 74 on Second Reading with the following amendments:

Under the head of “The Governor”, subhead of “National Guard”, amend the item

“Adjutant General (\$200.00).....\$ 4,899 00”

so as to read

“Adjutant General (\$225.00).....\$ 5,400.00”

Amend the total under this subhead by striking out the figures “\$19,560.00” and inserting in lieu thereof the figures “\$20,160.00”.

Amend the item

“Librarian (\$125.00) \$ 3,000.00”

under the head of “Public Archives”, so as to read

“Librarian (\$150.00) \$ 3,600.00”

Increase item “Expenses, Copying, Translating, Printing, Binding, \$2,160.00” to “\$5,000.00”.

Amend the total under the head of “Public Archives”, by striking out the figures “\$5,160.00” and inserting in lieu thereof the figures “\$8,600.00”.

Insert a new item to read

"PROMOTION.

Support of (\$250.00), \$6,000.000".

Under the head of "Permanent Settlement", amend item "Queen Liliuokalani (\$625.00), \$15,000.00" so as to read "Queen Liliuokalani (\$700.00), \$16,800.00".

Amend the total under this heading by striking out the figures "\$17,000.00" and inserting in lieu thereof the figures "\$18,800.00".

Under the head of "Attorney General's Department" amend item "First Deputy (\$250.00), \$6,000.00" so as to read "Deputy (\$250.00), \$6,000.00".

Under the head of "Auditing Department" and after item "Auditor (\$275.00), \$6,600.00" insert the following new item: "Deputy Auditor (\$200.00), \$4,800.00".

Amend item "Deputies and Clerks (\$400.00), \$9,600.00" by striking out the words "Deputies and".

Increase item "Expenses" from "2,400.00" to "\$3,600.00".

Amend the total under the head of "Auditing Department" by striking out the figures "\$18,600.00" and inserting in lieu thereof the figures "\$24,600.00".

Under the head of "Treasury Department", strike out the item "Clerks, Stenographers, Assistants (\$395.00), \$9,480.00", and insert in lieu thereof the following new items:

"License Clerk (\$140.00)	\$3,360.00"
"Corporation Clerk (\$100.00)	\$2,400.00"
"Recording Clerk and Messenger (\$100.00).	\$2,400.00"
"Stenographer (\$100.00)	\$2,400.00"

-----\$10,560.00

Amend item "Liquor Law" (Expenses) by striking out the figures "\$5,000.00" and inserting in lieu thereof the figures "\$17,000.00".

Insert the following new item "Extermination of Mongoose, \$2,500.00".

Amend the total under the head of "Treasury Department" by striking out the figures "\$377,380.00" and inserting in lieu thereof the figures "\$392,960.00".

Under the head of "Bureau of Taxes, First Taxation Division, Oahu", strike out the item "Deputies, Clerk, etc., \$49,200.00" and insert in lieu thereof, the following items: "Deputy Tax Assessor (\$175.00), \$4,200.00", "Commissions, Deputy Assessors and Collectors, \$24,500.00", "Clerks and Interpreters, \$20,000.00".

Amend the item "Expenses, \$6,000.00" so as to read "Incidentals, \$6,000.00".

Under the head of "Second Taxation Division, Maui, etc.," amend item "Deputies, Clerks, etc., \$16,300.00" so as to read "Commissions, Deputy Assessors and Collectors, \$16,300.00".

Insert the following new item: "Clerk and Interpreter \$50.00), \$1,200.00".

Decrease item "Expenses" from "\$1,500.00" to "\$1,000.00".

Amend the total under the subhead of "Second Taxation Division, Maui, etc.," by striking out the figures "\$22,300.00" and inserting in lieu thereof the figures "\$23,300.00".

Strike out all items under the head of "Third Taxation Division, Hawaii", and insert in lieu thereof the following items:

"Salary of Tax Assessor, Hawaii (\$200.00), \$4,800.00", "Salaries and Commissions of Deputy Tax Assessors and Collectors and Clerks, Hawaii, \$25,000.00".

Under the head of "Fourth Taxation Division, Kauai and Niihau", amend the item "Assessor (\$175.00), \$4,200.00" so as to read "Assessor (\$200.00), \$4,800.00".

Increase item "Deputies, Clerks, etc., from "\$13,000.00" to "\$14,000.00".

Amend the total under the head of "Fourth Taxation Division, Kauai and Niihau", by striking out the figures "\$18,700.00" and inserting in lieu thereof the figures "\$20,300.00".

Amend the total under the head of "Bureau of Taxes" by striking out the figures "\$131,400.00" and inserting in lieu thereof the figures "\$133,500.00".

Under the head of "Bureau of Conveyances", amend item "Registrar (\$200.00), \$4,800.00" so as to read "Registrar (\$225.00), \$5,400.00".

Amend item "Deputy Registrar (\$125.00), \$3,000.00" so as to read "Deputy Registrar (\$150.00), \$3,600.00".

Increase item "Expenses" from "\$3,300.00" to "\$3,500.00".

Amend the total under the head of "Bureau of Conveyances" by striking out the figures "\$29,220.00" and inserting in lieu thereof the figures "\$30,620.00".

Under the head of "Public Instruction, General", strike out the item "Secretary, Clerks, Stenographers and Expenses, \$15,300.00" and insert in lieu thereof the following items:

"Secretary (\$125.00), \$3,000.00";

"Assistant Secretary and Bookkeeper (\$125.00), \$3,000.00";

"Stenographer (\$75.00), \$1,800.00";

"Expenses, \$7,500.00".

Insert the following new item "Industrial Training, \$7,500.00".

Decrease item "School Supplies, Books, Libraries and Lace Making" by striking out the figures "\$26,750.00" and inserting in lieu thereof the figures "\$23,000.00".

Amend the total under the head of "General", by striking out the figures "\$48,650.00" and inserting in lieu thereof the figures "\$52,400.00".

Under the head of "Instruction" amend item "One Normal Inspector, including Traveling Expenses (\$250.00), \$6,000.00" so as to read "One Normal Inspector (\$200.00), \$4,800.00".

Insert the following new item "Traveling Expenses, \$1,200.00".

Amend heading of "Public Works" so as to read "Public Works, Public Lands and Survey".

Under the sub-head of "General", amend item "Superintendent (\$275.00), \$6,600.00" so as to read "Superintendent of Public Works, Commissioner of Public Lands, and Surveyor (\$416.66 2-3), \$10,000.00".

Strike out the item "Clerks, Stenographers, Expenses, \$22,920.00" and insert in lieu thereof the following item: "Engineers, Architects, Draughtsmen, Clerks, Stenographers, Sub-Agents, Rangers, Messengers, Expenses, \$90,280.00".

Amend the total under the subhead of "General" by striking out the figures "\$29,520.00" and inserting in lieu thereof the figures "\$100,280.00".

Under the head of "Maintenance, Government Property" increase item "Maui" from "\$1,000.00" to "\$2,500.00".

Increase item "Telephone Exchange, Capitol and Judiciary Building" by striking out the figures "\$3,336.00" and inserting in lieu thereof the figures "\$4,000.00".

Amend the total under the head of "Government Property" by striking out the figures "\$38,016.00" and inserting in lieu thereof the figures "\$40,180.00".

Under the head of "Landings and Wharves, Maintenance, Repairs, Additions", amend item "Maui" by striking out the figures "\$6,000.00" and inserting in lieu thereof the figures "\$8,000.00".

Insert the following new item: "New Landing and Warehouse, Hanalei, Kauai, \$10,000.00".

Amend the total under the head of "Landings and Wharves" by striking out the figures "\$48,380.00" and inserting in lieu thereof the figures "\$58,380.00".

Under the head of "Harbor Master, Honolulu" amend the item "Harbor Master (\$225.00), \$5,400.00" so as to read "Harbor Master (\$200.00), \$4,800.00".

Insert the following new item: "Assistant Harbor Master (\$150.00), \$3,600.00".

Amend the total under the head of "Harbor Master, Honolulu" by striking out the figures "\$5,600.00" and inserting in lieu thereof the figures "\$8,600.00".

Under the head of "Pilots, Honolulu" amend the item "Pilots (3 at \$225.00), \$16,200.00 so as to read "Pilots (3 at \$200.00), \$14,400.00".

Amend the item "Watchman (\$65.00), \$1,560.00" so as to read "Watchman (\$50.00), \$1,200.00".

Amend the item "Watchman, Diamond Head (\$65.00), \$1,560.00" so as to read "Watchman, Diamond Head (\$75.00), \$1,800.00".

Insert the following item: "Keeper Powder Magazine (\$75.00), \$1,800.00".

Amend the total under the head of "Honolulu" by striking out the figures "\$32,440.00" and inserting in lieu thereof the figures "\$32,320.00".

Under the head of "Hilo" amend item "Pilot, Gun Powder and Kerosene Oil Keeper (\$160.00), \$3,840.00" so as to read "Pilot, Gun Powder and Kerosene Oil Keeper (\$200.00), \$4,800.00".

Insert the following item "Pilot Boy (\$40.00), \$960.00".

Decrease item "Expenses" by striking out the figures "\$1,090.00" and inserting in lieu thereof the figures "\$130.00".

Amend the total under the head of "Hilo" by striking out the figures "\$4,930.00" and inserting in lieu thereof the figures "\$5,890.00".

Under the head of "Kahului" amend the item "Pilot, Gun Powder and Kerosene Oil Keeper (\$160.00), \$3,840.00" so as to read "Pilot, Gun Powder and Kerosene Oil Keeper (\$200.00), \$4,800.00".

Insert the following item: "Pilot Boys, \$2,880.00".

Decrease item "Expenses" by striking out the figures "\$2,500.00" and inserting in lieu thereof the figures "\$550.00".

Amend the total under the head of "Kahului" by striking out the figures "\$6,340.00" and inserting in lieu thereof the figures \$6,230.00".

Under the head of "Board of Health, General" amend item "President (\$150.00), \$3,600.00" so as to read "President (\$275.00), \$6,600.00".

Strike out the item "Secretary, Clerks, Stenographers, Janitors, Messengers, Expenses, \$21,760.00" and insert in lieu thereof the following

"Secretary (\$175.00)	\$ 4,200.00"
"Clerks.	\$ 4,320.00"
"Stenographer (\$90.00)	\$ 2,160.00"
"Janitor and Messenger (\$50.00)	\$ 1,200.00"
"Expenses.	\$10,000.00"

Amend the total under the head of "General" by striking out the figures "\$25,360.00" and inserting in lieu thereof the figures "\$28,480.00".

Insert the following new items under the head of "Sanitation": "General Health and Sanitary Officer, Honolulu (\$150.00), \$3,600.00", "Chief Inspector of Sanitation and Sewers, Honolulu (\$165.00), \$3,960.00", "Seven Inspectors, Honolulu (at \$85.00), \$14,280.00", "Chief Sanitary Inspector, Inspector of Buildings, Plumbing, House Sewers, Dairies, Milk, Fish, Food, Districts of Hilo, Hamakua and Puna (\$165.00), \$3,960.00", "Assistant Inspector (\$85.00), \$2,040.00", "Sanitary Inspector, Island of Maui (\$125.00), \$3,000.00". Total, \$30,840.00.

Under the head of "Pure Food" amend item "Food Commissioner and Analyst (\$125.00), \$3,000.00" so as to read "Food Commissioner and Analyst (\$150.00), \$3,600.00".

Insert the following new items: "Meat Inspector and Veterinary (\$150.00), \$3,600.00", "Milk and Dairy Inspector (\$75.00), \$1,800.00".

Amend the total under the head of "Pure Food" by striking out the figures "\$3,000.00" and inserting in lieu thereof the figures "\$9,000.00".

Under the head of "Medical and Quarantine Service and Supplies" insert the following item: "Bacteriologist and Pathologist (\$175.00), \$4,200.00".

Amend item "Pay of Government Physicians as per monthly schedule; for physicians resident in Districts named, who shall act as Agents of the Board of Health in their several Districts, examine the Public Schools and pupils, attend the indigent sick free of charge, perform the duties of Registrar of Births, Deaths and Marriages, and to make autopsies for Coroner's Inquests, free of charge" by striking out the figures "\$26,160.00" and inserting in lieu thereof the figures "\$27,360.00", and amend the item "Molokai" in the schedule thereto attached by striking out the figures "\$75.00" and inserting in lieu thereof the figures "\$125.00".

Amend item

"Rat Campaign, Hilo\$5,000.00"
so as to read

"Rat Campaign, Hilo.\$6,000.00"

Insert the following item:

"Rat Campaign, Maui.\$3,000.00"

Under the head of "Quarantine Station, Hilo," insert the following items:

"Morgue Building and Equipment.....\$1,500.00"

"Maintenance, Horse and Wagon, Hilo.....\$1,200.00"

Amend the total under the head of "Medical and Quarantine Service and Supplies" by striking out the figures "\$98,600.00" and inserting in lieu thereof the figures "\$106,500.00".

Under the head of "Care of Lepers and their Children" insert the following item:

"Salary of Physician, Leper Settlement (\$300)..\$7,200.00"

After the item

"Care of Lepers, Segregation and Hospitals, Pay

Roll. \$50,000.00"

insert the following items:

"Completion of General Hospital, Kalaupapa:

"Material. \$ 650.00"

"Furnishing and Equipment. \$1,925.00"

\$2,575.00

"One Slaughter House \$ 850.00"

"One Hide House \$ 200.00"

"Changes and Repairs to Pig Sties and Fences..\$ 150.00"

\$1,200.00

"Water Works, Waikolu \$4,600.00"

"Ice Plant. \$1,500.00"

"One Dormitory at Bishop Home for Girls. \$2,100.00"

Decrease item "Care of Lepers, Segregation and Hospital, Expenses" by striking out the figures "\$196,020.00" and inserting in lieu thereof the figures "\$188,820.00".

After item

"Kapiolani Girls' Home, Maintenance. \$11,000.00"

insert the following new item:

"New Building and Furnishings, Kapiolani Girls'

Home. \$15,000.00"

Amend the total under the head of "Care of Lepers and their Children" by striking out the figures "\$390,000.00" and inserting in lieu thereof the figures "\$416,975.00".

Under the head of "Insane Asylum" strike out the items:

"Pay Roll. \$31,560.00"

"Maintenance. \$45,000.00"

and insert the following new items:

"Insane Asylum and Infirmary Pay Roll:

"14 Guards and 1 Taro Man (\$55.00 each) \$19,800.00"

"6 Nurses (\$50.00 each) \$ 7,200.00"

"Sundry Pay Roll \$12,480.00"

\$39,480.00

"Maintenance. \$45,000.00"

Under the head of "Hospitals" insert the following items:

"Treatment of Children at the Palama Hospital. \$ 1,200.00"
 "Malulani Hospital, Maui:

"Pay Roll. \$ 4,300.00"

"Maintenance. \$ 7,200.00"

\$11,500.00

"Hilo Hospital, Hawaii. \$11,500.00"

"Kapiolani Maternity Home \$ 7,200.00"

"Aid to Associated Charities. \$ 2,400.00"

Amend the total under the head of "Hospitals" by striking out the figures "\$24,000.00" and inserting in lieu thereof the figures "\$57,800.00".

Strike out all items under the head of "Public Lands and Survey".

Under the head of "The Courts, Supreme Court" insert the following item:

"(Clerk, Judiciary Department (To have charge of Clerk's Office, Act as Cashier and Bookkeeper) (\$175.00) \$1,200.00"

Amend the total under the head of "Supreme Court" by striking out the figures "\$19,400.00" and inserting in lieu thereof the figures "\$23,600.00".

Under the head of "Circuit Courts, First Circuit" strike out the item "1 Clerk to have charge of Clerk's Office, Act as Cashier and Bookkeeper (\$175.00), \$1,200.00".

Increase item "Expenses" by striking out the figures "\$25,000.00" and inserting in lieu thereof the figures "\$27,500.00".

Amend the total under the head of "First Circuit" by striking out the figures "\$77,800.00" and inserting in lieu thereof the figures "\$76,100.00".

Under the head of "Second Circuit" amend the item

"(Clerk (\$100.00). \$2,400.00"
 so as to read

"(Clerk (\$125.00). \$3,000.00"

Amend the total under the head of "Second Circuit" by striking out the figures "\$12,650.00" and inserting in lieu thereof the figures "\$13,250.00".

Under the head of "Fourth Circuit" amend item

"(Clerk (\$125.00) \$3,000.00"
 so as to read

"(Clerk (\$150.00). \$3,600.00"

Amend the item

"Stenographer (\$100.00) \$2,400.00"
 so as to read

"Stenographer (\$125.00). \$3,000.00"
 Amend the item
 "Assistant Clerk and Hawaiian Interpreter
 (\$100.00). \$2,400.00"
 so as to read
 "Assistant Clerk, Messenger and Interpreter
 (\$100.00). \$2,400.00"
 Strike out the item
 "Bailiff, Messenger and Portuguese Interpreter
 (\$100.00). \$2,400.00"
 Increase item "Expenses" by striking out the figures "\$8,-
 000.00" and inserting in lieu thereof the figures "\$13,500.00".
 Amend the total under the head of "Fourth Circuit" by
 striking out the figures "\$18,450.00" and inserting in lieu there-
 the figures "\$22,750.00".
 Decrease item under the head of "General, Contingent Fund,
 from which expenditures may be made only with the approval
 of the Governor and only for urgent needs for which no specific
 provision or an insufficient specific provision is made herein, a
 detailed account of all which expenditures shall be submitted to
 the next Legislature" by striking out the figures "\$75,000.00"
 and inserting in lieu thereof the figures "\$50,000.00".
 Amend the grand total by striking out the figures "\$2,717,-
 876.00" and inserting in lieu thereof the figures "\$2,848,595."

Respectfully submitted,

ERIC A. KNUDSEN,
 Chairman, Committee of the Whole.

Upon motion of Senator Kalama, seconded by Senator Mc-
 Carthy, the Report of the Committee was adopted.

Senator Brown gave notice of intention to introduce a Bill
 entitled "An Act to Encourage the Industrial Enterprise."

Senator Fairchild gave notice of intention to introduce a
 Bill entitled "An Act Making an Additional Appropriation for
 the Department of Public Lands for the Biennial Period End-
 ing June 30, 1909."

Under suspension of the Rules, Senator Fairchild intro-
 duced a Bill (S. B. No. 143) entitled "An Act Making an Addi-
 tional Appropriation for the Department of Public Lands for
 the Biennial Period Ending June 30, 1909."

The Bill was read by title and, upon motion of Senator Fair-
 child, seconded by Senator Makekau, passed First Reading
 and was referred to the Committee on Enrollment, Revision
 and Printing.

Senator Knudsen presented the Report (No. 252) of the Committee on Judiciary on House Bill No. 192, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 15th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 192 entitled "An Act to Amend Act 62 of the Session Laws of 1905, by adding a New Section to be called Section 3A," begs leave to report that it has given the same careful consideration.

Act 62 of the Session Laws of 1905 provides a penalty for fishing with a net with a smaller mesh than one inch square.

The object of the amendment in this Bill is to make it obligatory on the various officers of the law to enforce the law under penalty of fine or imprisonment.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,

I do not concur:

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 192 entitled "An Act to Amend Act 62 of the Session Laws of 1905 by Adding a New Section to be called Section 3A."

Upon motion of Senator Chillingworth, seconded by Senator Knudsen, the Bill was laid on the table.

Senator Knudsen presented the Report (No. 253) of the Committee on Judiciary on House Bill No. 188, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 16, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred House Bill No. 188 entitled "An Act to Amend Section 2816 of the Revised Laws Relating to the Assignment of Counsel for Persons Accused of Felonies and the Payment of such Counsel," begs leave to report as follows:

This Bill is on the same subject as House Bill No. 20 passed earlier in the Session but which bill was vetoed on account of certain defects.

This Bill has been carefully drawn and restricts the assignment of counsel who may be paid out of Territorial funds, to the Circuit Court, and then restricts the fee of \$100.00 to felony cases where the punishment may be death or imprisonment for more than 20 years.

In all other felony cases the maximum fee can be only \$50.00.

The same reasons given for the passage of House Bill No. 20 can be given for the passage of this Bill.

Your Committee recommends that the Bill pass, notwithstanding the seeming inconsistency of having the Territory pay the counsel fees of the person whom the Territory is trying to convict.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 188 entitled "An Act to Amend Section 2816 of the Revised Laws Relating to the Assignment of Counsel for Persons Accused of Felonies and the Payment of such Counsel."

Upon motion of Senator Knudsen, seconded by Senator Chillingworth, the Report of the Committee on the Bill was adopted.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 107 entitled "An Act Making Special Appropriations for the Use of the Government of the Territory of Hawaii to Pay the Unpaid Bills up to December 1, A. D. 1906."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 38 entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

Upon motion of Senator Woods, seconded by Senator Fairchild, action on the Bill was deferred until 2 o'clock this afternoon.

Senator Knudsen moved that House Bills Nos. 88, 89, 90, 175 and 176 be deferred until 2 o'clock this afternoon. Seconded by Senator Fairchild and carried.

Under suspension of the Rules, Senator Brown introduced a Bill (S. B. No. 144) entitled "An Act to Encourage the Industrial Enterprise."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Makekau, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Third Reading of House Bill No. 84 entitled "An Act to Amend Act 39 of the Session Laws of 1905 entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof'."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Quinn, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Harvey and Moore—2.

Third Reading of House Bill No. 167 entitled "An Act to Prohibit the Taking of Fish with Nets in the Waters of the Bay of Hilo."

Senator Brown moved to strike out the word "May" in line 2 of Section 1 and insert in lieu thereof the word "July." Seconded by Senator Chillingworth and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fair-

child, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Second Reading of House Bill No. 125 entitled "An Act to Amend Act 118 of the Session Laws of 1907 of the Territory of Hawaii entitled 'An Act Incorporating the City and County of Honolulu'."

Upon motion of Senator Kalama, seconded by Senator Woods, action on the Bill was deferred until 2 o'clock this afternoon.

At 12 o'clock Senator Kalama moved to take a recess until 2 o'clock. Seconded by Senator Woods and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Senator Fairchild presented the Report (No. 5) of the Special Joint Conference Committee on House Bill No. 157, as follows:

Honolulu, T. H., April 16th, 1909.

Honorable Wm. O. Smith,

President of the Senate;

Honorable H. L. Holstein,

Speaker, House of Representatives.

Gentlemen:—Your Special Joint Conference Committee to which was referred House Bill No. 157, "An Act to Amend Sections 1402 and 1403 of Chapter 102 of the Revised Laws of Hawaii Relating to Public Shows," begs leave to report that it has had the same under careful consideration and recommends the final passage of the Bill as amended by the Senate, with the following amendment:

In line 4 of Section 2, strike out the figures "\$2.50" and the words "per diem" and insert in lieu thereof "\$1.00 for each performance."

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

H. T. MOORE,

PALMER P. WOODS,

J. C. COHEN,

DANIEL KAMAHU,

RUEL KINNEY.

Senator Fairchild moved that the Report of the Committee be adopted. Seconded by Senator Quinn.

Senator McCarthy moved that the Report be referred back to the Committee. Seconded by Senator Coellio.

Senator Fairchild moved that action on the Report of the Committee be deferred. Seconded by Senator Harvey and carried.

Senator Fairchild presented the Report (No. 254) of the Committee on Ways and Means on Senate Bill No. 135 and House Bill No. 195, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 14, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means to whom was referred Senate Bill No. 135 entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers," and House Bill No. 195, entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers," begs leave to report that it has had both bills under careful consideration, and recommends that Senate Bill No. 135 be laid on the table and that House Bill No. 195 pass Second Reading, amended to read as follows:

"AN ACT

RELATING TO THE ISSUANCE OF LICENSES, AND THE
COLLECTION AND DISPOSITION OF FEES ARISING
THEREFROM.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. All licenses issued under the authority and pursuant to the provisions of Chapter 102 of the Revised Laws as the same has been or may hereafter be amended, and under the authority and pursuant to the provisions of Act 46 of the Session Laws of 1905 and Acts 76 and 132 of the Session Laws of 1907, shall be so issued only by the Treasurer of the County within which any such license is to be operative. Provided, that any license which authorizes the licensee to do business throughout the Territory shall be issued by the Treasurer of the County in which the principal office of the licensee is situated.

Section 2. All powers vested in and all duties imposed on the Treasurer of the Territory by the provisions of Chapter 102 of the Revised Laws, and acts amendatory thereof, Act 46 of the Session Laws of 1905, and Acts 76 and 132 of the Session Laws of 1907, with respect to the issuance of licenses and the collection of fees therefor, and the cancellation of licenses, are hereby transferred to and shall hereafter be exercised and performed by the County Treasurers within their respective counties. And each County Treasurer shall account for all such fees so collected by him as County realizations.

Section 3. Section 1323 of the Revised Laws is hereby amended so as to read as follows:

'Section 1323. Signed by whom. Every license shall be signed by the Treasurer of the County within which the license is issued to be operative. Provided, that any license which authorizes the licensee to do business throughout the Territory shall be signed by the Treasurer of the County in which the principal office of the licensee is situated.'

Section 4. Section 1327 of the Revised Laws is hereby amended so as to read as follows:

'Section 1327. Cancelled on transferring, etc., business. If any licensee shall close out, transfer or assign the business for which a license is held, during the term for which the same was issued, he shall within thirty days from the date of such closing out, transfer or assignment, notify the treasurer of such fact in writing, and return said license to the treasurer for cancellation, under a penalty for failure so to do of one hundred dollars.'

Section 5. Section 1329 of the Revised Laws is hereby amended by striking out of line 2 thereof the words 'from the treasury department.'

Section 6. Section 1 of Act 93 of the Session Laws of 1905 as amended by Acts 15 and 141 of the Session Laws of 1907 is hereby amended by striking out after the word 'incomes' in the first paragraph thereof the words 'and all license fees obtained for licenses granted to operate' and inserting in lieu thereof the word 'collected'.

Section 7. The word 'county' as used in this Act shall include and apply to the City and County of Honolulu.

Section 8. This Act shall take effect on the first day of July, 1909."

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

H. T. MOORE,
JOHN T. BROWN,
E. W. QUINN.

I do not concur. All license fees should become county realizations.

W. J. COELHO.

Upon motion of Senator Fairchild, seconded by Senator Makenau, the Report of the Committee was laid on the table to be considered with the Bills.

Second Reading of House Bill No. 193 entitled "An Act to Add a New Section to Act 99 of the Session Laws of 1907, Relating to Garnishment, to be known as Section 2A."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 196 entitled "An Act to Amend Section 290B of the Revised Laws as Enacted by Act 82 of the Session Laws of 1905."

Referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc.

Second Reading of House Bill No. 198 entitled "An Act Relating to Juries, Amending Section 1782 of the Laws of 1905, and as further amended by Act 80 of the Laws of 1907."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 208 entitled "An Act Providing an Annual License Upon the Business of Transmitting and Receiving Messages and Intelligence by Wireless Telegraph and Prescribing Penalties for Failure to Procure such Licenses."

Referred to the Select Committee on Taxation.

A Communication (No. 219) from the House of Representatives, returning Senate Concurrent Resolution No. 9, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Concurrent Resolution No. 9, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 220) from the House of Representatives, transmitting House Joint Resolution No. 7, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Joint Resolution No. 7, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

JOINT RESOLUTION.

WHEREAS, the present schedule of stamp duties and license system of the Territory is in various respects unsatisfactory and unfair both in operation and effect, and it appears to be necessary that a careful examination and investigation of said schedule of stamp duties and license system should be made with a view to the making of a prudent revision and equitable adjustment thereof:

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII, that the Governor of the Territory shall, as soon as practicable after the approval of this Resolution, appoint a Commission of three members, who shall be experienced and competent persons, to be known as the Commission on Stamp Duties and Licenses, which Commission shall thoroughly examine and investigate the present schedule of stamp duties and license system of this Territory and consider their operation, effect and equitableness, and general adaptability with respect to existing conditions, and consider ways and means for the revision and improvement of said schedule and system as they shall deem necessary or advisable. They may, in their discretion, employ legal counsel to assist them in their work. Each of the Commissioners shall receive such compensation for his services as the Legislature may designate and make available,

together with other reasonable allowance for expenses incurred in the performance of the duties prescribed herein. The Commission shall make report of their work to the Governor not later than July 1, 1910, with their recommendations pertaining thereto, together with suggested legislation for the effectuation of such recommendations.

The Communication was ordered received and placed on file. First Reading of House Joint Resolution No. 7.

The Resolution was read and, upon motion of Senator McCarthy, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 221) from the House of Representatives, transmitting House Bill No. 191, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 191, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 191 entitled "An Act to Authorize W. A. Wall, His Associates, Successors and Assigns, to Construct, Maintain and Operate a Railroad in Certain Districts on the Island of Hawaii, in the Territory of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

Senator Harvey gave notice of intention to introduce a Bill entitled "An Act to Repeal Sections 1136 and 1137 of the Revised Laws Relating to the Transportation of Lepers."

Under suspension of the Rules, Senator Harvey introduced a Bill (S. B. No. 145) entitled "An Act to Repeal Sections 1136

and 1137 of the Revised Laws Relating to the Transportation of Lepers."

The Bill was read by title and, upon motion of Senator Brown, seconded by Senator Coelho, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

Second Reading of House Bill No. 125 entitled "An Act to Amend Act 118 of the Session Laws of 1907 of the Territory of Hawaii entitled 'An Act Incorporating the City and County of Honolulu'."

Senator Brown moved that the Bill be Indefinitely Postponed. Seconded by Senator Woods and carried on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore and Woods—8.

Noes: Senators Baker, Chillingworth, Fairchild, Knudsen, Quinn, Robinson and Mr. President—7.

Senator Woods moved to reconsider the action taken on House Bill No. 125. Seconded by Senator Brown and lost.

Senator Knudsen presented the Report (No. 255) of the Committee on Judiciary on Senate Bill No. 141 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 16, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom Senate Bill No. 141 was referred, entitled "An Act Providing for the Assessment of property benefited by the Honolulu Sewer System," begs leave to report as follows:

The object of the Bill is to make the sewer system of Honolulu self-supporting and also to more equally distribute the burden of keeping up the sewers among those who are benefited by the sewer system.

Your Committee recommends the passage of the Bill with the following amendments:

Section 1, page 11, change the date from June 1, 1909, to January 1, 1910.

Section 3, line 3, change the word from "four" to "ten."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act Amending Chapter 193 of the Revised Laws of Hawaii, to be known as Section 2955A."

At 2:31 o'clock the Senate resolved itself into Committee of the Whole for the consideration of House Bills Nos. 88, 89, 90, 175 and 176, Senator McCarthy in the Chair.

At 3:58 o'clock the Senate came to order, Senator McCarthy, for the Committee of the Whole, reporting, recommending the passage of the Bills as amended by the Committee, and asking for further time within which to file a written report.

The Report of the Committee was adopted.

Third Reading of House Bill No. 38 entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

Senator Baker moved to amend Paragraph 10 of Section 2 to read "Provided that no license shall be required for the sale of salt fish, dried or fresh fish, dried or fresh squid, lobsters, crabs, shrimps or any other edible sea food. Seconded by Senator Coelho and carried.

Senator Coelho moved to insert the word "and" between the word "cigars" and "cigarettes" in line 17 of Section 2. Seconded by Senator Fairchild and carried.

Senator Fairchild moved to insert the word "special" before the word "License" in line 51 of Section 2. Seconded by Senator Coelho and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: Senator McCarthy—1.

A Communication (No. 222) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 84, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 84.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 223) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 167, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 167.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 224) from the House of Representatives, informing the Senate of its adoption of the Report of

the Special Joint Conference Committee on House Bill No. 157, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the Report of the Special Joint Conference Committee on House Bill No. 157 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Knudsen moved that the Report (No. 5) of the Special Joint Conference Committee on House Bill No. 157 be adopted. Seconded by Senator Fairchild.

Senator Kalama moved that action on the Report of the Conference Committee be deferred until Saturday, April 17th, 1909. Seconded by Senator Fairchild and carried.

Second Reading of Senate Bill No. 142 entitled "An Act Relating to Labor by Prisoners."

Upon motion of Senator Fairchild, seconded by Senator Harvey, the Bill passed Second Reading.

Second Reading of Senate Joint Resolution No. 3.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Joint Resolution passed Second Reading.

At 4:43 o'clock Senator Robinson moved to adjourn until Saturday morning, April 19th, 1909, at 9 o'clock. Seconded by Senator Chillingworth and carried.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-FIRST DAY.

Saturday, April 17th, 1909.

The Senate met, pursuant to adjournment, at 9 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Chillingworth, Fairchild, Kalama, Knudsen, Moore and Quinn absent.

The Journal of the Fiftieth Day was read and, upon motion of Senator Quinn, seconded by Senator Woods, approved as read.

Senator McCarthy presented the Report of the Committee of the Whole on House Bills Nos. 88, 89, 90, 175 and 176. as follows:

SENATE CHAMBER,

Honolulu, T. H., April 17th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee of the Whole, to whom was referred House Bills Nos. 88, 89, 90, 175 and 176, begs leave to report consideration of the same, and recommends their passage, amended as follows:

1. Amend House Bill No. 88, as follows:

Insert the words "and for the placing of signs on bridges as required by law" after the word "sewers" in line 6 of Section 1.

Insert the word "rebuild" after the word "build" in line 10 of Section 1, and strike out the words "and change, discontinue and reestablish" in lines 10 and 11 of the same section.

Insert the words "other than the Lahainaluna Seminary" after the word "houses" in line 14 of Section 1.

Strike out the word "and" between the words "houses" and "jails" in line 15 of Section 1, and insert in lieu thereof the words "water works and sewer systems".

2. Amend House Bill No. 89, as follows:

Insert the words "and for the placing of signs on bridges as required by law" after the word "sewers" in line 6 of Section 1.

Insert the word "rebuild" after the word "build" in line 10 of Section 1 and strike out the words "and change, discontinue and reestablish" in lines 10 and 11 of the same section.

Insert the words "other than the Normal School and the Boys' and Girls' Industrial Schools" after the words "school houses" in line 15 of Section 1.

3. Amend House Bill No. 90, as follows:

Strike out the words "The High Sheriff of the Territory is responsible, and with the approval of the Attorney General shall appoint the necessary jailors and other officers, for the safe keeping of all prisoners who may be confined or committed to the Oahu Prison" in lines 3, 4, 5, 6 and 7 of Section 1 and insert in lieu thereof the words "The High Sheriff of the Territory is responsible for the safe keeping of all prisoners who may be confined or committed to the Oahu Prison. He shall, with the approval of the Attorney General, appoint the necessary jailors and other officers at said Prison."

4. Amend House Bill No. 175, as follows:

Insert the word "same" before the word "power" in line 17 of Section 1 and insert the word "as" between the the words "power" and "given" in the same lines.

5. Amend House Bill No. 176, as follows:

Insert the word "same" before the word "power" in line 16 of Section 1, and insert the word "as" between the words "power" and "given" in the same line.

Respectfully submitted,

C. J. MCCARTHY,

Chairman, Committee of the Whole.

The Report of the Committee was ordered received and placed on file and the Bills reported on by the Committee taken up for consideration.

Third Reading of House Bill No. 88 entitled "An Act to Amend Section 9 of Act 39 of the Session Laws of 1905, Relating to the General Powers, Liabilities and Limitations of Counties."

Senator McCarthy moved that the Bill pass Third Reading, amended as recommended by the Committee of the Whole. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Makekau, McCarthy, Quinn, Robinson Woods and Mr. President—12.

Noes: 0.

Not Present: Senators Kalama, Knudsen and Moore—3.

Third Reading of House Bill No. 89 entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Board of Supervisors of the City and County of Honolulu."

Senator McCarthy moved that the Bill pass Third Reading, amended as recommended by the Committee of the Whole. Seconded by Senator Harvey and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Kalama and Knudsen—2.

Third Reading of House Bill No. 99 entitled "An Act to Amend Section 1577 of the Revised Laws Relating to the Appointment of Jailors."

Senator McCarthy moved that the Bill pass Third Reading, amended as recommended by the Committee of the Whole. Seconded by Senator Harvey and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn and Woods—11.

Noes: Senators Chillingworth, Coelho, Robinson and Mr. President—4.

Third Reading of House Bill No. 175 entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905 Relating to the Powers and Duties of the Boards of Supervisors."

Senator Quinn moved that the Bill pass Third Reading amended as recommended by the Committee of the Whole. Seconded by Senator McCarthy and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 176 entitled "An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Supervisors."

Senator McCarthy moved that the Bill pass Third Reading amended as recommended by the Committee of the Whole. Seconded by Senator Coelho and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Senator Woods offered the following Resolution (No. 60) relating to the appointment of a Special Committee to investigate certain charges made against certain officers employed by the Board of Agriculture and Forestry:

RESOLUTION.

BE IT RESOLVED that a Special Committee to consist of three members be appointed by the President of the Senate to thoroughly investigate into certain charges made against the conduct and administration of affairs by certain officers employed by the Board of Agriculture and Forestry, such Committee to have full power necessary to make such investigation searching and complete and to have authority to incur such expenses as may be necessary therefor; said Committee to report back its findings to the Senate, together with any recommendations which it may deem desirable.

PALMER P. WOODS.

Upon motion of Senator Coelho, seconded by Senator Woods, the Resolution was adopted. The Chair appointed Senators Woods, Chillingworth and Knudsen as such Committee.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 74 entitled "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911."

Senator Moore moved to insert the item

"Leahi Home\$15,000.00"
after the item

"Kapiolani Maternity Home.....\$ 7,200.00"
under the head of "Hospitals." Seconded by Senator Quinn and carried.

Under suspension of the Rules, Senator McCarthy offered the following Resolution (No. 61) Relating to the Appointment of a Special Committee to assist in the entertainment of Chas. W. Fairbanks, Ex Vice-President of the United States:

RESOLUTION.

WHEREAS, Mr. Chas. W. Fairbanks, Ex Vice-President of the United States of America, is to arrive in Honolulu on Friday, April 23rd, 1909, and it is desirable that he should be

shown the courtesy that his high position demands, therefore be it

RESOLVED that a Committee consisting of the President of the Senate and four Members to be appointed by the President of the Senate, be authorized to assist in his entertainment.

C. J. McCARTHY,
Senator, 3rd District.

Upon motion of Senator McCarthy, seconded by Senator Fairchild, the Resolution was adopted unanimously.

The Senate proceeded with the consideration of House Bill No. 74.

Senator Fairchild moved to insert the item

"Alterations, Repairs and Furnishings,

Aliiolani Hale\$75,000.00"

under the head of "Government Property". Seconded by Senator Coelho.

Senator Makekau moved that the item pass at \$65,000.00. Seconded by Senator Brown.

Senator Quinn moved that the item pass at \$100,000.00. Seconded by Senator Brown.

The motion to pass the item at \$75,000.00 was then put and carried.

Senator Makekau moved to insert item

"Landings and Concrete Walls, Mahu-

kona, Hawaii\$13,300.00"

under the head of "Landings and Wharves." Seconded by Senator Woods.

Senator Fairchild moved as an amendment to add the words "provided, however, that no such money shall be expended unless said Landing is constructed on Government Land."

Senator Makekau accepted the amendment which carried.

Senator Baker moved to insert item

"School Agents\$ 3,600.00"

under the head of "Instruction". Seconded by Senator Kalama and lost.

Senator Makekau moved to insert item

"Mrs. G. W. Hapai (\$16.66 2-3).....\$ 400 00"

under the head of "Permanant Settlement". Seconded by Senator Brown and lost.

Senator Chillingworth moved to strike out the subhead "National Guard" under the head of "The Governor" and insert in lieu thereof the words "Militia Department." Seconded by Senator Coelho and carried.

Senator Fairchild moved to insert item

"LIBRARY OF HAWAII."

"Maintenance \$10,000.00"
under the head of "The Secretary." Seconded by Senator Kalama and carried.

Senator Coelho moved to insert item

"Armory, Lahaina \$ 7,000.00"
under the head of "Government Property". Seconded by Senator Kalama and lost.

Senator Coelho moved to reduce item "Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, Prevention and Cure of Tuberculosis and Suppression of Contagious Diseases" from "\$48,000.00" to "\$45,250.00," and insert item

"Vaccination Supplies \$ 2,750.00"
Seconded by Senator Fairchild and carried.

Senator Coelho moved to increase item of "Clerk, Judiciary Department (to have charge of Clerks' Office, act as Cashier and Bookkeeper,) (\$175.00) \$4,200.00" to (\$225.00) \$5,400.00. Seconded by Senator Brown and carried.

Senator Brown moved to insert item

"Clerk and Interpreter (\$60.00) \$ 1,440.00"
under the head of "Bureau of Taxes, Third Taxation Division, Hawaii." Seconded by Senator Kalama and carried.

Senator Brown moved to amend item

"Salaries and Commissions of Deputy Tax
Assessors and Collectors and Clerks,
Hawaii \$25,000.00"
so as to read

"Salaries and Commissions of Deputy Tax
Assessors and Collectors and Clerks,
including expenses, Hawaii \$24,000.00"

Seconded by Senator Woods and carried.

Senator Chillingworth moved to insert item

"I Carpenter (\$65.00) \$ 1,560.00"
under the head of "Insane Asylum, Insane Asylum and Infirmary Pay Roll," and decrease item "Sundry Pay Roll" from "\$12,480.00" to \$11,040.00". Seconded by Senator Fairchild and carried.

Senator Chillingworth moved to insert item

"Armory on condition that the Federal
Government restores to the Territory
the Barrack's Lot or a sufficient and
suitable part thereof for the Armory . . . \$40,000.00"

Seconded by Senator Fairchild and lost.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act Amending Section 144 of Act 118 of the Session Laws of 1907."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 146) entitled "An Act Amending Section 144 of Act 118 of the Session Laws of 1907."

The Bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator Harvey, passed First Reading.

Senator Fairchild presented the Report (No. 5) of the Special Joint Conference Committee on House Bill No. 157, as follows:

Honolulu, T. H., April 16th, 1909.

Honorable Wm. O. Smith,
President of the Senate;

Honorable H. L. Holstein,
Speaker, House of Representatives.

Gentlemen:—Your Special Joint Conference Committee to which was referred House Bill No. 157, "An Act to Amend Sections 1402 and 1403 of Chapter 102 of the Revised Laws of Hawaii Relating to Public Shows," begs leave to report that it has had the same under careful consideration and recommends the final passage of the Bill as amended by the Senate, with the following amendment:

In line 4 of Section 2, strike out the figures "\$2.50" and the words "per diem" and insert in lieu thereof "\$1.00" for each performance."

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

H. T. MOORE,
PALMER P. WOODS,
J. C. COHEN,
DANIEL KAMAHU,
RUEL KINNEY.

Senator McCarthy moved that the Report of the Committee be adopted. Seconded by Senator Coelho and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Coelho, Fairchild, Harvey, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—12.

Noes: Senators Brown, Chillingworth and Kalama—3.

The Chair here appointed the following Committee under the terms of Senate Resolution No. 61:

Senators McCarthy, Fairchild, Kalama and Makekau.

Third Reading of Senate Bill No. 142 entitled "An Act Relating to Labor by Prisoners."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Quinn, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Chillingworth and Moore—2.

Under suspension of the Rules, Senator Brown presented the Report (No. 256) of the Committee on Enrollment, Revision and Printing on Senate Bills Nos. 143, 144 and 145, as follows:

Honolulu, T. H., April 17, 1909.

Hon. W. O. Smith,

President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bills Nos. 143, 144 and 145 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

E. W. QUINN,

C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Knudsen presented the Report (No. 257) of the Committee on Judiciary on Senate Bill No. 64, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 17, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred Senate Bill No. 64, entitled "An Act to Provide for a Specific Tax of 10 Cents per Acre upon Certain Lands in the Territory of Hawaii," begs leave to report as follows:

The object of this Bill is to provide a Specific Tax of ten cents for every acre or fraction of an acre throughout the Territory.

Your Committee is of the opinion that such a tax would be illegal, but even if it were constitutional your Committee believes that such a tax would be exceedingly oppressive, (specially on the ranches. The tax on such a ranch as Kahuku, Hawaii, amounting to about \$16,000.00 a year.

Your Committee therefore recommends the tabling of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Baker, seconded by Senator Coelho, the Report of the Committee was laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 6) of the Special Joint Conference Committee on House Bill No. 138, as follows:

Honolulu, T. H., April 16, 1909.

Honorable William O. Smith,
President of the Senate; and
Honorable H. L. Holstein,
Speaker of the House of Representatives,
of the Territory of Hawaii.

Gentlemen:—Your Joint Committee, to whom was referred for the conference the Senate's amendment to House Bill No. 138,

entitled "An Act Prohibiting the Sale of Certain Iced Fish," introduced by Representative A. S. Kaleiupu, begs leave to report as follows:

We recommend the final passage of the Bill by concurring in the amendment made to the same by the Senate, with the following amendment:

In Section 1, lines 11 and 12, strike out the words "or any other fish caught", and in lieu thereof insert the words "Amaama, Kumu and Oio."

This portion of the Section from line 10 to line 15, to read as follows:

"Nothing herein contained shall be construed to prohibit the placing in cold storage over night of Akule, Amaama, Kumu, and Oio, to be sold the day after the same was caught; provided, however, that when once exposed or offered for sale, such iced fish shall not be placed in cold storage a second time.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.
W. J. COELHO,
F. R. HARVEY,
A. S. KALEIUPU,
S. P. CORREA,
J. H. CONEY.

Senator Coelho moved that the Report of the Committee be adopted. Seconded by Senator Woods and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

A Communication (No. 84) from M. J. Bissel, foreman of the Grand Jury, relating to Indictments found against Yoshitaro Abe and others, was read by the Clerk as follows:

CIRCUIT COURT, FIRST JUDICIAL CIRCUIT,
TERRITORY OF HAWAII.

IN THE MATTER OF THE PROCEEDINGS
of the
GRAND JURY OF THE FIRST JUDICIAL
CIRCUIT, TERRITORY OF HAWAII, JANU-
ARY, 1909, TERM.

PRELIMINARY REPORT.

To the Honorable John T. De Bolt,
First Judge of the above entitled Court:

We, the Grand Jury, respectfully submit as a preliminary report that we have investigated and found true bills of indictment in the following cases:

Territory of Hawaii	v.	Peter Nawai,	Burglary, First Degree;
"	"	"	v. Antonio Reyes, Rape;
"	"	"	v. Emory Harris, Assault with a weapon;
"	"	"	v. Yoshitaro Abe, Forgery;
"	"	"	v. " " "
"	"	"	v. " " "

And we herewith return into Court the indictments in said cases.

We would respectfully urge upon the Legislature of the Territory of Hawaii now in session to appropriate sufficient funds to enable the proper authorities to procure the extradition of the above named Yoshitaro Abe, who is now upon his way to Japan.

We are informed that Yoshitaro Abe was formerly extradited and brought back from the Empire of Japan to answer a charge of forgery, but that owing to a variance between the proof and the indictment in his case, the Territory failed to obtain a conviction.

We are further informed that Japanese residents of Honolulu, and citizens of Honolulu, contributed largely to the expense of such extradition, and we believe that it is in the interest of justice that Yoshitaro Abe should be prosecuted, and if possible a conviction obtained, as the offenses with which he is charged constitute a serious crime, striking at the roots of commercial confidence and calling for strenuous prosecution to protect the business community, and vindicate the law.

M. J. BISSELL,
Foreman of the Grand Jury.

The Communication was ordered referred to the Committee on Judiciary.

A Communication (No. 85) from H. Hackfeld & Company, Limited, and others, expressing regret at the failure of the Senate to approve of the appointment of Hon. A. J. Campbell as Treasurer of the Territory, was read by the Clerk as follows:

Hon. W. O. Smith,
President of the Senate,
Session 1909.

Sir:—We, the undersigned banks, mercantile corporations, and others, desire to express our regret at the action of the Senate, in its failure to approve of the appointment of Hon. A. J. Campbell as Treasurer of the Territory.

We believe that Governor Frear has earned the unqualified support of this community in his able and efficient public service and that his administration should not be hampered by the refusal to approve of executive appointments for other than grave causes.

We desire publicly to approve of the high integrity, efficiency and honesty of purpose of Hon. A. J. Campbell.

H. Hackfeld & Co., Lim'd.,
J. F. HACKFELD,
President.

Wm. G. Irwin & Company, Limited,
By its Secretary,
R. IVERS.

Hawaiian Trust Co., Ltd.,
G. R. CARTER,
Asst. Treas.

Henry Waterhouse Trust Co., Ltd.,
A. N. CAMPBELL,
Treasurer.

Theo. H. Davies & Co., Ltd.,
F. M. SWANZY,
Manager.

JAS. F. MORGAN.

Union Feed Co., Ltd.,
By F. W. MACFARLANE,
Treas.

The Bank of Hawaii, Ltd.,
C. H. COOKE,
Manager.

BISHOP & CO.

Claus Spreckels & Co.,
E. I. SPALDING.

The First National Bank of Hawaii at Honolulu,
L. T. PECK,
Cashier.

Castle & Cooke, Limited,
E. D. TENNEY,
Vice-President and Manager.

Alexander & Baldwin,
J. P. COOKE,
Manager.

C. Brewer & Company,
GEO. H. ROBERTSON,
Manager.

F. A. Schaefer & Co., Ltd.,
F. A. SCHAEFER,
President.

Trent Trust Company, Ltd.
By RICHARD H. TRENT,
President.

W. C. Peacock & Co., Ltd.,
R. J. BUCHLY,
President.

E. O. Hall & Son, Ltd.,
E. O. WHITE,
Vice-President.

Benson, Smith & Co., Ltd.,
G. W. SMITH,
Pres. and Manager.

Lewers & Cooke, Ltd.,
By F. J. LOWREY,
President.

Inter-Island Steam Navigation Co., Ltd.,
By JAMES A. KENNEDY,
General Manager.

Allen & Robinson, Ltd.,
By its First Vice-President,
P. MUHLENDORF.

Macfarlane & Co., Ltd.,
By W. LISHMAN,
President.

SENATE JOURNAL.

Honolulu Iron Works Co.,
C. HEDEMANN,
Manager.

Hoffschlaeger Co., Ltd.,
Per R. F. LANGE,
Sec. and Treas.

Hawaiian Fertilizer Co., Ltd.,
By NORMAN WATKINS,
Gen. Supt.

Lewis & Co., Ltd.,
By F. M. LEWIS,
Secty.

M. Phillips & Co.,
By THEO. WOLFF.

The Pacific Guano Fertilizer Co.,
F. KLAMP,
Secretary.

I. Rubenstein & Co.,
Per SPITZER.

Gonsalves & Co., Ltd.,
M. A. GONSALVES,
Pres.

Lovejoy & Co.,
Per D. H. LEWIS.

Henry May & Co., Ltd.,
W. T. LUCAS,
Manager.

C. J. DAY & CO.

Hollister Drug Co., Ltd.,
F. FREEDENBERG,
Treasurer.

Catton, Neill & Co., Ltd.,
ROB. CATTON,
President.

California Feed Co., Ltd.,
Per T. J. KING,
Manager and President

The Communication was ordered received and placed on file.
Third Reading of Senate Joint Resolution No. 3.

The Resolution passed Third Reading on the following showing of Ayes and Noes.

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Makekau—1.

Third Reading of House Bill No. 188 entitled "An Act to Amend Section 2816 of the Revised Laws Relating to the Assignment of Counsel for Persons Accused of Felonies and the Payment of such Counsel."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—13.

Noes: Mr. President—1.

Not Present: Senator Baker—1.

Second Reading of Senate Bill No. 135 entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers."

Upon motion of Senator Quinn, seconded by Senator Chillingworth, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 195 entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers."

At 12:10 o'clock a Message (No. 18) from the Governor, submitting appointments as members of the Milk Commission provided for by Joint Resolution No. 4 of the Legislature of 1909, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii.

Executive Chamber.

Honolulu, T. H., April 17, 1909.

To the Senate:

I hereby nominate and propose, with the advice and consent of the Senate, to appoint William D. Baldwin, James A. Rath

and Frederick G. Krauss as members of the Milk Commission provided for by Joint Resolution No. 4 of the Legislature of 1909.

WALTER F. FREAR,
Governor of Hawaii.

Senator Knudsen moved that the appointments of the Governor be confirmed. Seconded by Senator Woods and carried.

Upon motion of Senator Fairchild, seconded by Senator Kalama, the Report of the Committee on House Bill No. 195 was adopted and the Clerk instructed to prepare typewritten copies of the Bill, as amended, for the use of the Members.

Second Reading of Senate Bill No. 141 entitled "An Act Providing for the Assessment of Property Benefited by the Honolulu Sewer System."

Senator Coelho moved that the Report of the Committee on the Bill be adopted. Seconded by Senator Fairchild.

The President here called the Vice-President to the Chair.

Senator Smith moved that the Bill be Indefinitely Postponed. Seconded by Senator Baker.

At 12:40 o'clock, upon motion of Senator McCarthy, seconded by Senator Knudsen, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-SECOND DAY.

Monday, April 19th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Kalama absent.

The Journal of the Fifty-first Day was read and, upon mo-

tion of Senator Kalama, seconded by Senator Fairchild, approved as read.

Senator Knudsen moved that House Bill No. 180 be placed on the Order of the Day. Seconded by Senator Quinn and carried.

A Communication (No. 59) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 87 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 19, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—It gives me pleasure to inform your Honorable Body that the Governor on April 17, 1909, signed the following Bill:

Senate Bill No. 115, Act 87, entitled "An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, being Supplementary to Act 33 of the laws of 1909."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 225) from the House of Representatives, returning Senate Bill No. 63, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 63,

and Frederick G. Kraus as members of the Milk Commission provided for by Joint Resolution No. 4 of the Legislature of 1909.

WALTER F. FREAR,
Governor of Hawaii.

Senator Knudsen moved that the appointments of the Governor be confirmed. Seconded by Senator Woods and carried.

Upon motion of Senator Fairchild, seconded by Senator Kalama, the Report of the Committee on House Bill No. 195 was adopted and the Clerk instructed to prepare typewritten copies of the Bill, as amended, for the use of the Members.

Second Reading of Senate Bill No. 141 entitled "An Act Providing for the Assessment of Property Benefited by the Honolulu Sewer System."

Senator Coelho moved that the Report of the Committee on the Bill be adopted. Seconded by Senator Fairchild.

The President here called the Vice-President to the Chair.

Senator Smith moved that the Bill be Indefinitely Postponed. Seconded by Senator Baker.

At 12:40 o'clock, upon motion of Senator McCarthy, seconded by Senator Knudsen, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-SECOND DAY.

Monday, April 19th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the Chaplain, the Roll was called showing Senator Kalama absent.

The Journal of the Fifty-first Day was read and, upon mo-

tion of Senator Kalama, seconded by Senator Fairchild, approved as read.

Senator Knudsen moved that House Bill No. 180 be placed on the Order of the Day. Seconded by Senator Quinn and carried.

A Communication (No. 59) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 87 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 19, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—It gives me pleasure to inform your Honorable Body that the Governor on April 17, 1909, signed the following Bill:

Senate Bill No. 115, Act 87, entitled "An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, being Supplementary to Act 33 of the laws of 1909."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 225) from the House of Representatives, returning Senate Bill No. 63, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 63,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 226) from the House of Representatives, returning Senate Bill No. 111, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 111, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 227) from the House of Representatives, transmitting House Bill No. 205, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 205,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 205 entitled "An Act to Provide for the Payment of the Expenses of the Several District Courts."

The Bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator Brown, passed First Reading.

A Communication (No. 228) from the House of Representatives, informing the Senate of its adoption of the Report of the Special Joint Conference Committee on House Bill No. 138, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the Report of the Special Joint Conference Committee, on House Bill No. 138 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 229) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 38 and of the appointment of a Conference Committee on the same, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 38, and that the Speaker has appointed the following Conferees from the House:

Honorables Makekau, Cohen and Rice.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee for the further consideration of House Bill No. 38: Senators Fairchild, Coelho and Moore.

A Communication (No. 230) from the House of Representatives, transmitting House Bill No. 216, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 216, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 216 entitled "An Act to Amend Section 3 of Act 42 of the Session Laws of 1903, Relating to Public Loans."

The Bill was read by title and, upon motion of Senator Kalamā, seconded by Senator Coelho, passed First Reading.

A Communication (No. 231) from the House of Representatives, transmitting House Bill No. 218, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 218, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 218 entitled "An Act to Amend Section 1068 of the Revised Laws as Amended by Act 48 of the Session Laws of 1905."

The Bill was read by title and, upon motion of Senator Quinn, seconded by Senator Coelho, passed First Reading.

A Communication (No. 232) from the House of Representatives, returning Senate Bill No. 137, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 137, which

this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 233) from the House of Representatives, transmitting House Bill No. 217, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 217, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 217 entitled "An Act to Amend Section 1 of Act 97 of the Session Laws of 1907, Relating to the Sinking Fund for the Redemption or Purchase of Territorial Bonds."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Chillingworth, passed First Reading.

A Communication (No. 86) from Dr. Schurmann, presenting certain information regarding the practice of Osteopathy, was read by the Clerk as follows:

Honolulu, T. H., April 18, 1909.

The Honorable President and
Members of the Senate.

Gentlemen:—The House Bill recognizing "Osteopathy" will be greatly appreciated by the many believers in drugless healing. Osteopathy has paved a brilliant path for itself, forever brushing away impeding obstacles. That the public in general and the ill and helpless in particular will appreciate its safe passage through the Senate also, is beyond question.

I beg to draw your attention to the section of the bill in which it grants "a license to practice osteopathy in Hawaii" to those holding a license from the Board of Osteopathic Examiners of any state. In many states, as it is in Hawaii there is no Board of Osteopathic Examiners, while in California we have two:

1.—A State Board of Osteopathic Examiners.

2.—A State Board of Naturopathic Examiners.

Both practise osteopathy and both are regularly licensed drugless physicians.

The Naturopathics work on somewhat broader lines and add to the osteopathic manipulations, Hydro therapy (Kneipp Water Cure), Chiropractic and Massage.

I have practised Osteopathy for over 8 years, having studied under one of Dr. Still's most able early graduates, who established a college of his own. For 3 years I practised in Texas, where there was at that time no Board of Osteopathic Examiners and where there is at the present date, as far as I know, no such body, hence I went to Mexico as the pioneer osteopath where the State of Chihuahua recognizing some good work done, graciously presented me with a regular physician's license in order not to hinder me in my work. This certificate is of course in my possession at the present time.

Two years ago I went before the State Board of Examiners of the Naturopathic Physicians of California passing the required examination in osteopathy, chiropractic, etc., and received my certificate to practice along those lines. At the same time I passed my examination in Optometry before the California State Board of Examiners in Optometry.

With all my experience and qualifications and holding the three mentioned state licenses, the bill, as it reads (becoming a law) would bar me from practice in Hawaii. I have practised osteopathy in Honolulu for nearly a year and many grateful and influential patients, etc., will vouch for my ability. One letter only from a conservative gentleman, known to you all, I beg to inclose. It speaks for itself.

If you word the bill: "That osteopaths holding a license from the Board of Osteopathic or Naturopathic Examiners of any state shall be granted a license, etc.," it would help me and my many patients who desire my services.

If this would not seem advisable, you could insert a clause of exemption; granting those already in practise at the time of the passing of the bill a certificate to practise. This has been done in all states whenever a new profession became legalized, thus preventing legislating out of business worthy men and women.

Knowing that you will consider my request with all fairness, I remain,

Yours most respectfully,

DR. SCHURMANN,

Osteopathic Physician and Oculist.

The Communication was ordered referred to the Committee on Public Health.

Senator Fairchild presented a Petition (No. 87) from residents of Koloa, Kauai, urging the passage of Senate Bill No. 130, as follows:

Koloa, Kauai, T. H., March 5, 1909.

The Senate and House of Representatives
of the Territory of Hawaii.

Greeting:—We, the undersigned members and constituents of the Church at Koloa do respectfully petition favorable action by your Honorable Body on the bill now before the Legislature for the granting of land patents to the churches now occupying the sites which in many cases have been continuously occupied by them for many years. In many cases these premises have been also used as cemeteries and are now so used. These sites are therefore doubly sacred, and should be perpetuated in ownership to these historic churches of the Territory.

Respectfully submitted,

(21 Signatures.)

The Petition was ordered received and placed on file.

Senator Knudsen offered the following Concurrent Resolution (No. 10) relating to the Granting of Patents to Lands held for School, Church, Burial and other Religious Purposes:

CONCURRENT RESOLUTION.

WHEREAS, under the customs and laws of the former Kingdom of Hawaii, certain lots and parcels of ground were set apart from the public domain to be occupied by schools and churches, or for other religious or burial purposes, the title to such lots being retained in the Government, and

WHEREAS, with the changed conditions of today it is not desirable to maintain Governmental connection with any church or religious organization whatsoever and the persons or religious societies controlling such sites have expressed the desire that title to the lots so occupied, be vested in the appropriate persons or societies, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII, THE SENATE CONCURRING:

That it is the sense of the Legislature that whenever the Governor of the Territory of Hawaii shall be satisfied after an examination into all available facts that any persons or religious societies, whether the same are incorporated or not, have been and are in the occupation for religious purposes, of any lots, pieces or parcels of public land as church sites or cemeteries, a quit claim deed, for a nominal consideration, be executed by the appropriate officers releasing all right, title and interest of the Territory of Hawaii or of any political subdivision thereof, in and to such lands, and

BE IT FURTHER RESOLVED, that it is the sense of this Legislature that all expenses connected with such examinations should be borne by the applicants for such quit claim deeds.

ERIC A. KNUDSEN,

Senator, 4th District.

Senator Knudsen moved to amend lines 14 and 15 so as to read "Be It Resolved by the Senate, the House of Representatives of the Territory of Hawaii concurring." Seconded by Senator McCarthy and carried.

The Resolution was adopted as amended.

Senator Knudsen presented the Report (No. 258) of the Committee on Judiciary on Senate Bill No. 139, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 19, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom Senate Bill No. 139, entitled "An Act to Provide for Public Improvements in the Several Counties by Authorizing the Assessment and Collection of an Additional Property Tax and the Expenditure of the proceeds thereof for that Purpose", has had the same under consideration and recommend the passage of the Bill amended to read as follows:

AN ACT

TO PROVIDE FOR PUBLIC IMPROVEMENTS IN THE SEVERAL COUNTIES BY AUTHORIZING THE ASSESSMENT AND COLLECTION OF IN ADDITIONAL PROPERTY TAX AND THE EXPENDITURE OF THE PROCEEDS THEREOF FOR THAT PURPOSE.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. In addition to the tax of one per cent. authorized to be levied, assessed and collected upon property within the Territory of Hawaii under the provisions of Chapter 98 of the Revised Laws of Hawaii, as heretofore or hereafter amended, there may be levied, assessed and collected annually upon the full cash value of all real and personal property which is subject to such tax of one per cent., an additional tax of not more than one quarter of one per cent., to be known as the county tax, and to be determined and the proceeds thereof to be applied as in this Act provided.

Section 2. During the month of December in each year the board of supervisors of each county shall determine by a vote of at least all but two of its members the rate of such county tax, if any, not exceeding one-quarter of one per cent., which is deemed necessary for the ensuing year, the specific purposes for which the same is needed and the amount estimated to be required for each such purpose. Such rate, purposes and amounts shall thereupon be submitted to the Governor for his approval in whole or in part, who shall forthwith notify the board of his action thereon. The board shall then reconsider its

action and shall notify the tax assessor of the taxation division within which such county or its county seat is situated of the rate so approved by the Governor or such part thereof, if any, as shall upon such reconsideration have been determined by the board to be required for such purposes as shall have been approved by the Governor and further approved by the Board.

Section 3. The county tax at the rate so fixed shall be levied, assessed and collected by the tax assessor of the proper division in the same manner and at the same time that the property tax of one per cent. imposed by Chapter 98 of the Revised Laws of Hawaii is levied, assessed and collected. All of the provisions of said Chapter 98 of the Revised Laws of Hawaii, as the same has heretofore or may be hereafter amended, in so far as the same are consistent with this Act and may be used and applied in furtherance of the purposes hereof, shall apply to the county tax and be deemed a part of this Act as fully as though incorporated herein.

Section 4. All such county taxes so collected shall be paid monthly by the several tax assessors to the Treasurer of the county in which the property upon which the taxes were levied, assessed and collected is situated. The moneys collected from time to time under the provisions of this Act shall be deposited by the respective county Treasurers in a special fund, and shall be used and expended by the respective counties only for the construction of such new school houses, hospitals, court houses, jails or other necessary buildings, and for the purchase or construction of such water works and sewer systems as shall have been approved by the Governor.

Section 5. The word "county" as used in this Act shall include the City and County of Honolulu.

Section 6. This Act shall take effect upon its approval.

The object of the Bill is to provide a means of raising revenue by which the counties may be able to pay for certain necessary improvements which they are unable to do with their present revenues.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

R. H. MAKEKAU,

I am opposed to any increase in taxes as suggested by this bill.

CHAS. F. CHILLINGWORTH.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Report of the Committee was referred to the Committee on Enrollment, Revision and Printing.

Senator Coelho for the Committee on Public Health asked leave to return Senate Petitions Nos. 7, 8, 10, 65 and 81 and Senate Resolutions Nos. 24, 46 and 49, the matters therein pertaining to appropriations.

Senate Petitions Nos. 7, 8, 10, 65 and 81 and Senate Resolutions Nos. 24, 46 and 49 were ordered laid on the table.

Senator Chillingworth offered the following Concurrent Resolution (No. 11) relating to the appointment to public office of men who have gained an intimate knowledge of conditions in Hawaii:

CONCURRENT RESOLUTION.

WHEREAS, it is to the best interests of the Territory of Hawaii to have all public offices administered by men who have gained an intimate knowledge of the distinctive conditions existing in the Hawaiian Islands by residence therein; and

WHEREAS, there is a strong public sentiment favoring the appointment of residents of Hawaii to all executive and judicial positions in this Territory whenever practicable.

THEREFORE, BE IT RESOLVED, by the Senate of the Territory of Hawaii, the House of Representatives concurring, that we hereby express ourselves as being in full accord with the belief that it is to the best interests of the Territory of Hawaii to have the duties of Government in the hands of men familiar with local conditions.

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to each of the following persons through the Delegate to Congress:

The President of the United States, the President of the Senate and the Speaker of the House of Representatives.

CHAS. F. CHILLINGWORTH,
Senator, 3rd District.

The Resolution was ordered referred to the Committee on Judiciary.

Under the head of Unfinished Business, the Senate took up for consideration Senate Bill No. 141 entitled "An Act Providing for the Assessment of Property Benefited by the Honolulu Sewer System," on Second Reading.

The motion to Indefinitely Postpone the Bill was then put and lost on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Harvey, Kalama, Makekau and Mr. President—6.

Noes: Senators Baker, Coelho, Fairchild, Knudsen, McCarthy, Moore, Quinn, Robinson and Woods—9.

The motion to adopt the Report of the Committee on the Bill was then put and carried.

A Communication (No. 234) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 74 and of the appointment of a Conference Committee on the same, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 74, and that the Speaker has appointed the following Conferees from the House:

Honorables Rice, Cohen, Shingle, Nakaleka and Furtado.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Kalama moved that the President of the Senate appoint a committee of five to act as a Conference Committee for the further consideration of House Bill No. 74. Seconded by Senator Coelho and carried.

The Chair appointed the following to act as such Committee: Senators Fairchild, McCarthy, Chillingworth, Kalama and Makekau.

Second Reading of Senate Bill No. 64 entitled "An Act to Provide for a Specific Tax of 10 cents per Acre upon Certain lands in the Territory of Hawaii."

Senator Knudsen moved that the Bill be laid on the table. Seconded by Senator Harvey.

Senator Baker moved that the Bill pass Second Reading. Seconded by Senator Makekau.

Senator Harvey moved that the Bill be Indefinitely Postponed. Seconded by Senator Woods.

The motion to lay the Bill on the table was here withdrawn and the motion to Indefinitely Postpone, being put, carried.

Second Reading of House Joint Resolution No. 7.

Referred to the Select Committee on Taxation.

Second Reading of Senate Bill No. 143 entitled "An Act Making an Additional Appropriation for the Department of Public Lands for the Biennial Period Ending June 30, 1909."

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Bill passed Second Reading.

Second Reading of Senate Bill No. 144 entitled "An Act to Encourage the Industrial Enterprise."

Senator Brown moved that the Bill pass Second Reading. Seconded by Senator Woods.

Senator McCarthy moved that the Bill be referred to the Committee on Public Lands, Internal Improvements, Agriculture, etc. Seconded by Senator Woods and carried.

Second Reading of Senate Bill No. 145 entitled "An Act to Repeal Sections 1136 and 1137 of the Revised Laws Relating to the Transportation of Lepers."

Upon motion of Senator Coelho, seconded by Senator Harvey, the Bill passed Second Reading.

Under suspension of the Rules, Senator Brown presented the Report (No. 259) of the Committee on Enrollment, Revision and Printing on House Bill No. 164 as follows:

Honolulu, T. H., April 19, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report House Bill No. 164 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Second Reading of House Bill No. 191 entitled "An Act to Authorize W. A. Wall, his Associates, Successors and Assigns, to Construct, Maintain and Operate a Railroad in Certain Districts on the Island of Hawaii, in the Territory of Hawaii."

Referred to the Committee on Judiciary.

Senator Baker gave notice of intention to introduce a Bill entitled "An Act to Amend Sections 1155 and 1157 of the Revised Laws Relating to Records of Births, Deaths and Marriages."

Under suspension of the Rules, Senator Baker introduced a Bill (S. B. No. 147) entitled "An Act to Amend Sections 1155 and 1157 of the Revised Laws Relating to Records of Births, Deaths and Marriages."

The Bill was read by title and, upon motion of Senator Baker, seconded by Senator Chillingworth, passed First Reading and was referred to the Committee on Enrollment, Revision and Printing.

At 11:55 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Brown and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 235) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 88, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 88.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 236) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 89, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 89.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 237) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 90, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 90.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 238) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 175, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 175.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 239) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 176, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to Bill No. 176.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. The Senate proceeded with the Order of the Day.

Senator McCarthy moved that the Message (No. 2) of the Governor, submitting Appointments subject to Confirmation, be deferred until the last day of the Session. Seconded by Senator Fairchild and carried.

The Senate proceeded with the consideration of the Message (No. 16) of the Governor, submitting Additional Appointments subject to Confirmation.

Senator Robinson moved that the Appointment of "Worth O. Aiken" as a Member of the Department of Public Instruction be confirmed. Seconded by Senator Fairchild and carried.

At 2:03 o'clock the Senate resolved itself into Committee of the Whole for the consideration of House Bill No. 180, on Second Reading, Senator Chillingworth in the Chair.

At 2:44 o'clock the Senate came to order, Senator Chillingworth, for the Committee of the Whole, reporting consideration of the Bill, recommending its passage on Second Reading as amended by the Committee, and asking for further time within which to file a written report.

Upon motion of Senator Kalama, seconded by Senator Fairchild, the Report of the Committee was adopted.

Third Reading of House Bill No. 195 entitled "An Act to Provide for the Issuance of Licenses and the Collection of Fees therefor by County Treasurers."

Senator Makekau moved to insert the words "and the Secretary of the Board of License Commissioners as provided by Act 119 of the Session Laws of 1907, shall, at the end of each calendar month, forward to the Treasurer of the County all such license fees received by him" after the word "counties" in line 9 of Section 2. Seconded by Senator Harvey and lost.

Senator Coelho moved to insert the words "and impressed with the seal of his office. Such seal shall be as determined by the Board of Supervisors." after the word "operative" in line 5 of Section 3. Seconded by Senator Fairchild and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Kalama, Knudsen, McCarthy, Moore and Robinson—9.

Noes: Senators Chillingworth, Harvey, Makekau, Woods and Mr. President—5.

Not Present: Senator Quinn—1.

Second Reading of Senate Bill No. 57 entitled "An Act to Provide for the Erection of a Government Building in Hilo.

County of Hawaii, for the use of the Fourth Judicial Circuit Court and other Public Purposes."

Upon motion of Senator Brown, seconded by Senator Kaimama, the Bill was laid on the table.

Second Reading of Senate Bill No. 146 entitled "An Act Amending Section 144 of Act 118 of the Session Laws of 1907."

Referred to the Committee on Judiciary.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 260) of the Committee on Judiciary on House Bill No. 193 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 19, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Judiciary Committee to whom was referred House Bill No. 193 entitled "An Act to Add a New Section to Act 99 of the Session Laws of 1907, Relating to Garnishment, to be known as Section 2A", begs leave to report as follows:

The object of this Bill is to further extend the law relating to Garnishment. This new Section makes a garnishment hold good even though the defendant has quit the job which he held at the time of the garnishment proceedings.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
R. H. MAKEKAU.

The Report of the Committee was ordered received and placed on file.

Second Reading of House Bill No. 193 entitled "An Act to Add a New Section to Act 99 of the Session Laws of 1907, Relating to Garnishment, to be known as Section 2A."

Senator Chillingworth moved that the Bill be Indefinitely Postponed. Seconded by Senator Baker.

Senator Kalama moved that the Bill be recommitted to the Committee on Judiciary. Seconded by Senator Robinson.

The motion to Indefinitely Postpone was withdrawn and the motion to recommit to the Committee on Judiciary being put carried.

A Communication (No. 240) from the House of Representatives, transmitting House Bill No. 220, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 220, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 220 entitled "An Act to Amend Section 1651 of the Revised Laws Relating to the Powers of Circuit Courts."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 241) from the House of Representatives, transmitting House Bill No. 201, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 201, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 201, entitled "An Act to Amend Section 1728 of the Revised Laws of Hawaii, Relating to Proof and Entry of Defaults against Defendants in Civil Actions."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Moore, passed First Reading.

A Communication (No. 242) from the House of Representatives, transmitting House Bill No. 187, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 187, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 187 entitled "An Act Amending Section 1646 of the Revised Laws as Amended by Act 50 of the Session Laws of 1907, Relating to Terms of the Circuit Courts."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

Senator Fairchild for the Committee on Ways and Means returned Senate Bill No. 18 to the Senate. Upon motion of Senator Fairchild, seconded by Senator Coelho, the Bill was laid on the table.

Senator Fairchild for the Committee on Ways and Means returned House Bill No. 199 to the Senate recommending its passage.

Second Reading of House Bill No. 199 entitled "An Act to Amend Chapter 102 of the Revised Laws as Amended, Relating to Licenses."

Senator Coelho moved that the Bill be laid on the table. Seconded by Senator Woods and carried.

At 3:26 o'clock, upon motion of Senator Brown, seconded by Senator Woods, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-THIRD DAY.

Tuesday, April 20, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Brown, Chillingworth and Kalama absent.

The Journal of the Fifty-Second Day was read and, upon motion of Senator Kalama, seconded by Senator Brown, approved as read.

A Communication (No. 243) from the House of Representatives, transmitting House Bill No. 210, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 210, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 210 entitled "An Act Relating to Candidates for Public Offices."

The Bill was read by title and, upon motion of Senator Kalama, seconded by Senator Brown, passed First Reading.

A Communication (No. 244) from the House of Representatives, returning Senate Bill No. 95, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 95, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 245) from the House of Representatives, returning Senate Bill No. 133, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 133, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 246) from the House of Representatives, returning Senate Bill No. 126, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 126, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 247) from the House of Representatives, returning Senate Bill No. 100, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 100, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 248) from the House of Representatives, returning Senate Bill No. 88, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 88, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 249) from the House of Representatives, returning Senate Bill No. 128, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 128, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 2 of Section 1 strike out the words and figures "One Thousand Dollars (\$1,000.00)" and insert in lieu thereof the words and figures "One Thousand Two Hundred and Fifty Dollars (\$1,250.00)".

In line 7 of Section 1 strike out the heading "Judiciary Department" and insert in lieu thereof the heading "Commissioner of Public Lands."

In line 8 of Section 1 strike out the item "Fourth Circuit, \$1,000.00", and insert in lieu thereof the item "Incidentals and General Expenses, \$1,250.00".

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Makekau moved that the Senate do not concur in the amendments made by the House of Representatives to Senate Bill No. 128. Seconded by Senator Coelho and carried.

The Chair appointed the following to act as a Conference Committee for the further consideration of the Bill:

Senators Fairchild, Quinn and Coelho.

A Communication (No. 250) from the House of Representatives, returning Senate Concurrent Resolution No. 10, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Concurrent Resolution No. 10, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Amend the Last Paragraph of Section 1 of Act 50 of the Session Laws of 1907."

Under suspension of the Rules, Senator Makekau introduced a Bill (S. B. No. 148) entitled "An Act to Amend the Last Paragraph of Section 1 of Act 50 of the Session Laws of 1907."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Makekau, passed First Reading.

Senator Fairchild presented the Report (No. 13) of the Select Committee on Taxation on House Bill No. 208 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 20th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee on Taxation, to whom was referred House Bill No. 208, entitled "An Act Providing for an Annual License upon the Business of Transmitting and Receiving Messages and Intelligence by Wireless Telegraph, and Prescribing Penalties for Failure to Procure such Licenses," begs leave to report that it has had the same under careful consideration.

The object of the Bill is to Provide for a License for any person, association of persons, joint stock company, or corporation, engaging in the business of transmitting and receiving messages and intelligence by wireless telegraph, and further regulates such business as to the mode of carrying on the same.

Your Committee recommends its passage.

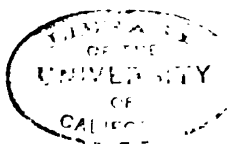
Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

W. J. COELHO,
JOHN T. BROWN,
H. T. MOORE,
E. W. QUINN.

The Report of the Committee was laid on the table to be considered with the Bill,

Senator Fairchild presented the Report (No. 261) of the Committee on Ways and Means on House Bill No. 209, as follows:



SENATE JOURNAL.

SENATE CHAMBER,

Honolulu, T. H., April 20th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 209, entitled "An Act to Amend Section 1320 of the Revised Laws in Relation to Stamp Duties," begs leave to report that it has had the same under careful consideration, and recommends its passage.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

W. J. COELHO,
JOHN T. BROWN,
H. T. MOORE,
E. W. QUINN.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Fairchild presented the Report (No. 262) of the Committee on Ways and Means on House Bill No. 202, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 20th, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means, to whom was referred House Bill No. 202, entitled "An Act to Provide for the Care, Custody, Control and Payment of Five Thousand Seven Hundred and Seventy-five and 18/100 Dollars (\$5,775.18) being the money now in the Possession of the Treasurer of the Territory and Designated or known as the Special Gold Certificate Deposit, Special Silver Certificate Deposit and Special

Money Order Deposit," begs leave to report that it has had the same under careful consideration and recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

W. J. COELHO,
JOHN T. BROWN,
H. T. MOORE,
E. W. QUINN.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Coelho for the Committee on Public Health reported verbally on House Bill No. 164 recommending that the Bill be placed on the Order of the Day.

Senator Knudsen for the Committee on Judiciary reported verbally on Senate Concurrent Resolution No. 11, recommending its passage.

Senator Knudsen moved to adopt the Report of the Committee. Seconded by Senator Kalama.

Senator Quinn moved that action on the Resolution be deferred until Saturday, April 24, 1909. Seconded by Senator Coelho and carried.

Senator Kalama moved that action on the Resolution be reconsidered and that the Resolution be placed on the Order of the Day. Seconded by Senator Brown and carried.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 141 entitled "An Act Providing for the Assessment of Property Benefited by the Honolulu Sewer System."

Upon motion of Senator Moore, seconded by Senator Fairchild, action on the Bill was deferred until Wednesday, April 21, 1909.

Third Reading of Senate Bill No. 143 entitled "An Act Making an Additional Appropriation for the Department of Public Lands for the Biennial Period ending June 30, 1909."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson and Mr. President—11.

Noes: Senators Harvey, Quinn and Woods—3.

Not Present: Senator Chillingworth—1.

Third Reading of Senate Bill No. 145 entitled "An Act to Repeal Sections 1136 and 1137 of the Revised Laws Relating to the Transportation of Lepers."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Chillingworth—1.

Second Reading of House Bill No. 187 entitled "An Act Amending Section 1646 of the Revised Laws as Amended by Act 50 of the Session Laws of 1907, Relating to Terms of the Circuit Courts."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 201 entitled "An Act to Amend Section 1728 of the Revised Laws of Hawaii, Relating to Proof and Entry of Defaults Against Defendants in Civil Actions."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 205 entitled "An Act to Provide for the Payment of the Expenses of the Several District Courts."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 216 entitled "An Act to Amend Section 3 of Act 42 of the Session Laws of 1903, Relating to Public Loans."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 127 entitled "An Act to Amend Section 1 of Act 97 of the Session Laws of 1907, Relating to the Sinking Fund for the Redemption or Purchase of Territorial Bonds."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 218 entitled "An Act to Amend Section 1068 of the Revised Laws as Amended by Act 48 of the Session Laws of 1905."

Referred to the Committee on Public Health.

Second Reading of House Bill No. 220 entitled "An Act to Amend Section 1651 of the Revised Laws Relating to the Powers of Circuit Courts."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 208 entitled "An Act Providing an Annual License upon the Business of Transmitting and Receiving Messages and Intelligence by Wireless Telegraph and Prescribing Penalties for Failure to Procure such Licenses."

Upon motion of Senator Quinn, seconded by Senator Moore, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 209 entitled "An Act to Amend Section 1320 of the Revised Laws in Relation to Stamp Duties."

Upon motion of Senator Knudsen, seconded by Senator Harvey, the Report of the Committee on the Bill was adopted.

Second Reading of House Bill No. 202 entitled "An Act to Provide for the Care, Custody, Control and Payment of Five Thousand, Seven Hundred and Seventy-five and 18-100 Dollars (\$5,775.18) being the Money now in the Possession of the Treasurer of the Territory and Designated or Known as the Special Gold Certificate Deposit, Special Silver Certificate Deposit, and Special Postal Money Order Deposit."

Upon motion of Senator Kalama, seconded by Senator Coelho, the Report of the Committee was adopted.

Second Reading of House Bill No. 164 entitled "An Act to Provide for the Examination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine such Persons and Defining their Duties."

Section 1. Passed as read.

Section 2. Recommendation of Committee adopted.

Section 3. Recommendation of Committee adopted.

Section 4. Recommendation of Committee adopted.

Section 5. Recommendation of Committee adopted with the following amendment: Strike out the words "and shall pay all costs accrued, and file a bond in the sum of Fifty Dollars for the payment of all further costs to accrue on said appeal if the same be dismissed" in lines 6, 7, 8 and 9 and insert in lieu thereof the words "and no costs shall be charged to the appellee or appellees."

Section 6. Recommendation of Committee adopted with the following amendments: Strike out the word "and" between the words "medicine" and "surgery" in line 3 and insert in lieu thereof the word "or" and insert the word "any" between the words "by" and "person" in line 8.

Section 7. Recommendation of Committee adopted with the following amendments: Strike out the word "members" in line 3 and insert in lieu thereof the word "number" and strike out the word "their" in line 7 and insert in lieu thereof the word "his."

Section 8. Recommendation of Committee adopted.

Section 9. Recommendation of Committee adopted.

Section 10. Recommendation of Committee adopted.

Section 11. Recommendation of Committee adopted with the following amendments: Insert the words "cause to be" in

line 1 after the words "Commissioners shall" and substitute the word "reduced" for the word "reduce" in the same line.

Section 12. Recommendation of Committee adopted.

Section 13. Recommendation of Committee adopted with the following amendment: Insert the words "without further hearing" between the words "shall" and "commit" in line 5.

Section 14. Section 15 as recommended by the Committee substituted and renumbered Section 14.

Senator Coelho moved to insert Section 16 as recommended by the Committee to be renumbered Section 15. Seconded by Senator Knudsen and carried.

Senator Coelho moved to insert Section 16 to read as follows: "This Act shall take effect from and after the first day of July, 1909." Seconded by Senator Knudsen and carried.

Title. Senator Knudsen moved to amend the title by adding the words "and to Repeal Sections 1116, 1117, 1118 and 1119 of the Revised Laws of Hawaii." Seconded by Senator Coelho and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator Coelho and carried.

At 12 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Fairchild and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 60) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 88, 89, 90, 91, 92, 93 and 94 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii,

Honolulu, T. H., April 20, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—The honor falls upon me to inform your Honorable Body that the Governor has this day, April 20th, 1909, signed the following Bills:

House Bill No. 167, Act 88, Entitled "An Act to Prohibit the Taking of Fish With Nets in the Waters of the Bay of Hilo;"

Senate Bill No. 63, Act 89, Entitled "An Act to Amend Section 14 of Act 119 of the Session Laws of 1907;"

Senate Bill No. 111, Act 90, Entitled "An Act to Provide For the Payment of Commutation Due the Territory;"

Senate Bill No. 124, Act 91, Entitled "An Act Relating to Accounts of Executors and Administrators, Adding a New Section to be Known as Section 1851A to the Revised Laws;"

Senate Bill No. 104, Act 92, Entitled "An Act to Authorize the Appropriation of Money For the Purpose of Paying the Unpaid Claims Against the County of Maui, Created by Virtue of Act 31 of the Session Laws of 1903;"

Senate Bill No. 105, Act 93, Entitled "An Act to Appropriate Money For the Purpose of Paying the Unpaid Claims Against the County Governments of East and West Hawaii Created by Virtue of Act 31 of the Session Laws of 1903;"

Senate Bill No. 106, Act 94, Entitled "An Act to Appropriate Money For the Purpose of Paying the Unpaid Claims Against the Territory of Hawaii For Services and Materials Supplied During the Period From the 4th to the 14th Day of January, 1904."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

A Communication (No. 251) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 195, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day

concurred in the amendments made by your Honorable Body to House Bill No. 195.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 252) from the House of Representatives, transmitting House Bill No. 200, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 200, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 200 entitled "An Act Giving Warehousemen a Lien for Storage and Authorizing its Enforcement by Sale."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 253) from the House of Representatives, transmitting House Bill No. 221, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 221,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 221 entitled "An Act to Amend Section 1747 of the Revised Laws Relating to the Decision by a Court in Writing in Trials without Jury."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 254) from the House of Representatives, transmitting House Bill No. 222, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 222, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 222 entitled "An Act Relating to Bail, Amending Sections 2772, 2788 and 2789 of the Revised Laws, Repealing Section 2780 of the Revised Laws and Adding four new Sections to be known as Sections 2772A, 2789A, 2789B and 2789C."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 255) from the House of Representatives, transmitting House Bill No. 225, was read by the Clerk as follows:

SENATE JOURNAL.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 225, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 225 entitled "An Act to Amend Section 1266 of the Revised Laws as Amended, Relating to Tax Liens."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Knudsen, passed First Reading.

A Communication (No. 256) from the House of Representatives, transmitting House Bill No. 226, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 226, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 226 entitled "An Act to Amend Section 1235 of the Revised Laws Relating to Failure to Return Property for Taxation."

The Bill was read by title and, upon motion of Senator Knudsen, seconded by Senator Coelho, passed First Reading.

Under suspension of the Rules, Senator Chillingworth presented the Report of the Committee of the Whole on House Bill No. 180, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 20, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee of the Whole to whom was referred House Bill No. 180, entitled "An Act Relating to Taxation, Amending Sections 1183, 1194, 1186, 1188, 1195, 1203, 1206, 1215B, 1216, 1217, 1221, 1222, 1235, 1237, 1243, 1244, 1245, 1247, 1259, 1263, 1264, 1265, 1266, 1267, 1268, 1271 of the Revised Laws of Hawaii, Repealing Section 1202 thereof, and adding three new sections thereto, Sections 1213A, 1221A and 1266A," begs leave to report that it has had the same under careful consideration, and would recommend its passage on Second Reading with the following amendments:

Insert after the word "district" in line 15 of Section 8, the words "and shall by the Territorial Treasurer be paid out to the County or City and County Treasurers of the several Counties or City and County within which various road districts shall be. And the said Road Taxes shall be expended only for the making, maintaining and repairing of public roads and highways in the several road districts as authorized by the Supervisors of the County or City and County from time to time.

The County Treasurer or City and County Treasurer shall under no circumstances allow these special deposits or any part thereof to be used for any other purposes under appropriations by the Board of Supervisors except for making, maintaining and repairing of the public roads and highways as aforesaid."

Strike out the words after the word "district" in line 15 of Section 8.

After the word "following" in line 12 of Section 9, insert the following paragraph:

"The full cash value of all such property shall be fixed and determined by a Board of Appraisers in and for each taxation

division which shall consist of three competent persons resident in each such division, who shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of three years, one of whom in each division shall be designated as chairman of such Board. The members of such Boards shall receive such compensation as the Legislature may from time to time provide. All valuations made and determined by such Boards, and for such purpose the concurrence of a majority of the members thereof shall be sufficient, shall be certified by the respective chairman to the assessor of the taxation division in which the Board is acting on the first day of January in every year as aforesaid. Each assessor shall thereupon assess all such property at the valuations so certified to him by such Board to the proper persons as provided in Section 1217."

Strike out the words "shall not have been assessed, may at any time be added by the assessor" in lines 16 and 17 of Section 9, and insert in lieu thereof the words: "shall not have been so valued and certified by such Board, may at any time thereafter within three years be valued and assessed by the assessor and added by him."

Insert the words "or City and County" after the word "county" in line 7 of Section 13.

Insert the words "to the Hilo Hospital, to the Palama Hospital, to the Kanihoa Children's Hospital" after the words "Queen's Hospital" in line 8 of Section 13.

Insert the words "to the Salvation Army at Manoa" after the words "Kapiolani Maternity Home", in line 9 of Section 13.

Amend the second paragraph of Section 25, so as to read as follows:

"Section 1265. Interest. Any delinquent tax remaining unpaid fifteen days after the date of delinquency shall bear interest from the date of the expiration of said fifteen days at the rate of eight per cent. per annum until paid, which interest shall be and become a part of such tax and shall be collected as part of such tax."

Strike out the words "any delinquent penalties" in lines 14 and 15 of Section 25, and insert in lieu thereof the words "paying interest".

Strike out the word "ten" in line 17 of Section 25, and insert in lieu thereof the word "fifteen".

Strike out the words "and penalty" in line 25 of Section 25.

Strike out the word "Penalty" in lines 10, 26 and 30 of Section 27 and insert the words "in English and Hawaiian" after the word "published" in line 14 of Section 27.

Strike out the words "and penalties" in lines 10 and 11 of Section 29.

Strike out the word "penalties" in lines 19, 25 and 34 of Section 30 and insert in lieu thereof the word "interest".

Respectfully submitted,

CHAS. F. CHILLINGWORTH,
Chairman, Committee of the Whole.

Upon motion of Senator Chillingworth, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Brown presented the Report (No. 263) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 147 as follows:

Honolulu, T. H., April 20, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 147 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;
E. W. QUINN,
C. J. MCCARTHY.

The Report of the Committee was ordered received and placed on file.

The Senate proceeded with the consideration of Senate Concurrent Resolution No. 11.

Senator Chillingworth moved to adopt the Resolution. Seconded by Senator McCarthy and lost on the following showing of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Fairchild, Kalama, Knudsen, McCarthy and Mr. President—7.

Noes: Senators Brown, Coelho, Harvey, Makekau, Moore, Quinn, Robinson and Woods—8.

Second Reading of Senate Bill No. 147 entitled "An Act to Amend Sections 1155 and 1157 of the Revised Laws Relating to Records of Births, Deaths and Marriages."

Senator Baker moved to strike out the words "upon its approval" in lines 1 and 2 of Section 3 and insert in lieu thereof the words "on and after July 1, 1909." Seconded by Senator Fairchild.

Senator Robinson moved that the Bill be referred to the Committee on Judiciary. Seconded by Senator Brown and carried.

Under suspension of the Rules, Senator Brown presented the Report (No. 264) of the Committee on Enrollment, Revision and Printing on Senate Standing Committee Report No. 258, as follows:

Honolulu, T. H., April 20, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Standing Committee Report No. 258 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman;

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Fairchild for the Committee on Ways and Means reported verbally on House Bill No. Nos 201 and 205, recommending their passage.

Second Reading of House Bill No. 201 entitled "An Act to Amend Section 1728 of the Revised Laws of Hawaii Relating to Proof and Entry of Defaults Against Defendants in Civil Actions."

Senator Knudsen moved that the Bill pass Second Reading. Seconded by Senator Coelho and carried.

Second Reading of House Bill No. 205 entitled "An Act to Provide for the Payment of the Expenses of the Several District Courts."

Senator Brown moved to amend the item
"District Magistrate,

Puna (\$45.00) \$ 540.00 a year"
so as to read

"District Magistrate,

Puna (\$60.00). \$ 720.00 a year"

Seconded by Senator Makekau and carried.

Senator Makekau moved to amend the item

"District Magistrate,

Hamakua (\$90.00) \$1,080.00 a year"
so as to read

"District Magistrate,

Hamakua (\$100.00). \$1,200.00 a year"

Seconded by Senator Brown and carried.

Senator Makekau moved to strike out item

"Clerk and Interpreter, District Court,

South Hilo (\$100.00). \$1,200.00 a year"

Seconded by Senator Baker and carried.

Senator Robinson moved to amend item

"District Magistrate,

Wailuku (\$100.00) \$1,200.00 a year"
so as to read

"District Magistrate,

Wailuku (\$125.00). \$1,500.00 a year"

Seconded by Senator Coelho and lost.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator Fairchild and carried.

Under suspension of the Rules, Senator Fairchild presented the Report (No. 265) of the Committee on Ways and Means on House Bill No. 189 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 20, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Ways and Means to whom was referred House Bill No. 189 begs leave to report that it has had the same under careful consideration and recommends the passage of the same with the following amendments:

1.—Strike out all of the words and figures from line 3 to the end of line 5 and insert in lieu thereof the following words and figures: "\$600.00" after the words "Member of the Board of Supervisors" in line 4 thereof, and by inserting in their place the words and figures: "\$900.00" after the words "Member of the Board of Supervisors".

2.—Strike out the figures “\$1080.00” in line 20 and insert in lieu thereof the figures: “\$1200.00”.

3.—Insert after the figures “\$1080.” in line 20 the following words and figures: and by striking out the figures “\$900.00” after the words “Deputy Sheriff of the District of Hana” in line 53 thereof, and by inserting in their place the figures “\$1080.00”.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;

W. J. COELHO,
JOHN T. BROWN,
E. W. QUINN.

I do not concur.

H. T. MOORE.

Upon motion of Senator Makekau, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Fairchild for a Majority of the Committee on Ways and Means reported verbally on House Bill No. 122 recommending its passage.

Senator Moore presented the Report (No. 266) of a Minority of the Committee on Ways and Means on House Bill No. 122 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 20, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

As a Minority of the Committee on Ways and Means, to whom was referred House Bill No. 122, I beg leave to say I do not concur in the Report of a Majority of said Committee.

My reasons are that I do not think it necessary to increase the expenses of the City and County of Honolulu at this time.

Respectfully submitted,

H. T. MOORE,
Member Ways and Means Committee.

The Report was laid on the table to be considered with the Bill.

Senator Fairchild for the Committee on Ways and Means reported verbally on House Joint Resolution No. 7, recommending its passage.

Second Reading of House Joint Resolution No. 7.

Upon motion of Senator Fairchild, seconded by Senator Coelho, the Joint Resolution passed Second Reading.

Third Reading of Senate Bill No. 139 entitled "An Act to Provide for Public Improvements in the Several Counties by Authorizing the Assessment and Collection of an Additional Property Tax and the Expenditure of the Proceeds thereof for that Purpose."

Senator Knudsen moved to adopt the recommendation of the Committee. Seconded by Senator Fairchild.

Senator Robinson moved to strike out the words "on its approval" in lines 1 and 2 of Section 6 and insert in lieu thereof the words "December 31, 1909." Seconded by Senator Woods and carried.

The President here called the Vice-President to the Chair.

Senator Smith moved that the Bill be Indefinitely Postponed. Seconded by Senator Harvey.

Senator Knudsen moved to reconsider the action taken on Section 6. Seconded by Senator Smith.

The motion to Indefinitely Postpone was then put and lost on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Harvey, Kalama, Quinn and Mr. President—6.

Noes: Senators Baker, Coelho, Fairchild, Knudsen, Makekau, McCarthy, Moore, Robinson and Woods—9.

The motion to reconsider the action taken on Section 6 was put and carried.

Senator Robinson moved that Section 6 pass as in the Bill. Seconded by Senator Makekau and carried.

The Bill passed Third Reading, amended as recommended by the Committee, on the following showing of Ayes and Noes:

Ayes: Senators Baker, Coelho, Fairchild, Knudsen, Makekau, McCarthy, Moore, Robinson and Woods—9.

Noes: Senators Brown, Chillingworth, Harvey, Kalama, Quinn and Mr. President—6.

Second Reading of House Bill No. 122 entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907."

Senator Harvey moved that the Bill pass Second Reading. Seconded by Senator Coelho.

Senator Moore moved that the Bill be Indefinitely Postponed. Seconded by Senator McCarthy.

The motion to Indefinitely Postpone was then put and lost.

The motion to pass the Bill on Second Reading, being put, carried.

At 3:55 o'clock, upon motion of Senator Moore, seconded by Senator Coelho, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-FOURTH DAY.

Wednesday, April 21, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Kalama absent.

The Journal of the Fifty-Third Day was read and, upon motion of Senator Coelho, seconded by Senator Woods, approved as read.

A Communication (No. 257) from the House of Representatives, returning Senate Bill No. 19, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 19, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend the title to read "An Act to Amend Section 1381 of the Revised Laws of Hawaii Relating to Hotels, Boarding Houses and Restaurants."

Amend Section 1 to read as follows:

"Section 1. Section 1381 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

'Section 1381. Fee hotel and restaurant. The annual fee for a license to keep a hotel or restaurant in the Districts of Hilo and Honolulu shall be fifty dollars; in all other districts the fee for a license to keep a hotel or restaurant shall be twenty-five dollars.' "

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senate Bill No. 19, as amended by the House of Representatives, was ordered referred to the Committee on Ways and Means.

A Communication (No. 258) from the House of Representatives, returning Senate Bill No. 25, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 25, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Add a new section after Section 1 to read as follows:

"Section 2. Anyone making a false statement to any agent upon an application thereto for a marriage license, shall be guilty of perjury, and liable to punishment as by law provided for the crime of perjury."

Change Section 2 to read "Section 3."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Coelho moved that the Senate concur in the amendments made by the House of Representatives to Senate Bill No. 25. Seconded by Senator McCarthy and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Chillingworth—1.

A Communication (No. 259) from the House of Representatives, returning Senate Bill No. 56, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 56, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 260) from the House of Representatives, returning Senate Bill No. 86, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 86, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 261) from the House of Representatives, returning Senate Bill No. 114, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor of returning herewith Senate Bill No. 114, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend the title to read as follows: "An Act to Amend Act 81 of the Session Laws of 1909 by Adding a New Section thereto to be known as Section 11A."

Strike out the first four lines of Section 1 and insert in lieu thereof "Section 1. Act 81 of the Session Laws of 1909 is hereby amended by adding a new section thereto to be known as Section 11A and to read as follows:"

In line 5 of Section 1 strike out "Section 1122B" and insert in lieu thereof "Section 11A".

In line 10 of Section 1 strike out the words "the preceding section" and insert in lieu thereof the words "Section 8 of Act 81 of the Session Laws of 1909."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Coelho moved that the Senate concur in the amendments made by the House of Representatives to Senate Bill No. 114. Seconded by Senator Harvey and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

A Communication (No. 262) from the House of Representatives, returning Senate Bill No. 123, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 123, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

In Section 1 after the line "Kula Pipe Line and Water Works, \$100,000.00" insert a new line to read "Honolulu Wharf and Harbor Improvements, \$100,000.00."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Kalama moved to concur in the amendment made by the House of Representatives to Senate Bill No. 123. Seconded by Senator Coelho and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

A Communication (No. 263) from the House of Representatives, returning Senate Bill No. 125, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 125, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 264) from the House of Representatives, returning Senate Bill No. 131, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 131, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 265) from the House of Representatives, returning Senate Bill No. 140, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 140, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Knudsen presented the Report (No. 267) of the Committee on Judiciary on Senate Bill No. 146 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 21, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 147, entitled "An Act to Amend Sections 1155 and 1157 of the Revised Laws, Relating to Records of Births, Deaths and Marriages," begs leave to report that it has had the same under careful consideration and recommends the passage of the Bill with the following amendments:

Amend Section 2 by inserting after the word "Registrars" in line 4, the following words: "and as soon as practicable bind the same in compact form in the manner hereinafter provided."

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 268) of the Committee on Judiciary on Senate Bill No. 146 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 21, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary, to whom was referred Senate Bill No. 146, entitled "An Act Amending Section 144 of Act 118 of the Session Laws of 1907," begs leave to report that it has had the same under careful consideration.

The object of this Bill is to turn over to the officer of the City and County of Honolulu, making a sale or conveyance of

property, the legal fees received, when such fees do not amount to \$50.00.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of Senate Bill No. 146 entitled "An Act Amending Section 144 of Act 118 of the Session Laws of 1907."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 269) of the Committee on Judiciary on House Bill No. 191 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 21, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred House Bill No. 191 entitled "An Act to Authorize W. A. Wall, his Associates, Successors and Assigns to construct, maintain and operate a Railroad in certain Districts on the Island of Hawaii, in the Territory of Hawaii," begs leave to report that it has had the same under careful consideration and recommends the passage of the Bill with the following amendments:

In line 4 of Section 1, after the word "Act" insert the words "by the Congress of the United States."

In line 1, page 2, insert the word "at" before the word "Kawaloa".

In line 2, page 2, strike out the word "to" and insert the word "at".

In line 5, page 2, insert the word "through" before the word "Naalehu".

In line 9 of page 2, strike out the words "from this point".

In line 11, page 2, strike out the word "to" and insert in its place the word "at".

Amend Section 5 so as to read as follows:

"Section 5. The said railway, together with all its branches and connections shall be thoroughly and substantially constructed according to the best modern practice and in such manner as to cause the least obstruction to the free use of the highways, roads and places in which it may be laid; and the location, in, along and across highways and roads shall be as directed by the Superintendent of Public Works. The cars for carrying passengers shall be of the most approved construction for the comfort, convenience and safety of such passengers, and shall be provided with fenders, of the best pattern, with proper lighting and signaling appliances and with proper numbers, route boards or signs as approved by the Governor. The said W. A. Wall, his associates, successors and assigns shall pay all expenses and damages and save the Territory harmless and indemnified from all loss, cost, damage and expense, in consequence of or arising from the construction and operation of said railway, and pay for all repairs to highways and streets on, along or across which the said railway may be located, made necessary or advisable by the construction and operation of said railway. The style of rail to be employed and used in the construction of such railway, the manner of laying the same and the kind of car for the carriage of passengers over such railway shall be such as may be approved by the Superintendent of Public Works. All of the matters and things required by this section and the construction and character of the railway and its equipment shall in all respects be subject to the approval of the Superintendent of Public Works."

In line 3 of Section 6, strike out the words "by the Congress of the United States" and insert in their place the words "of this Act by the Governor of the Territory of Hawaii."

In line 4 of Section 6, strike out the word "ready" and insert the words "in operation".

In line 9 of Section 6, strike out the words "the time so lost".

Amend Section 9 so that it will read as follows:

"Section 9. No land, easement or other property shall be taken for the purpose of such railway except in accordance with the provisions of law."

Strike out Section 10 relative to the taking and condemnation of property, because such subject is covered by Chapter 64 of the Revised Laws and Act 86 of the Session Laws of 1909.

Insert a new Section to be numbered Section 10 and to read as follows:

"Section 10. If the provisions of this Act as to time limitations are not fully complied with, then all rights, privileges and

special powers granted hereby shall forthwith cease and determine and the franchise hereby granted shall forthwith become null and void."

Insert a new Section to read as follows:

"Section 12. The Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend or repeal this Act; and the franchise hereby granted shall not be construed to be exclusive. The franchise hereby granted shall be subject to all general laws now in force or which may hereafter be enacted respecting railway companies."

As a substitute for Section 12, insert the following:

"Section 13. This Act shall go into effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States."

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman.

CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 191 entitled "An Act to Authorize W. A. Wall, His Associates, Successors and Assigns, to Construct, Maintain and Operate a Railroad in Certain Districts on the Island of Hawaii, in the Territory of Hawaii."

Section 1. Senator Knudsen moved to adopt the recommendations of the Committee. Seconded by Senator Fairchild and carried.

The Section passed as amended.

Section 2. Passed as read.

Section 3. Passed as read.

Section 4. Passed as read.

Section 5. Senator Knudsen moved to adopt the recommendation of the Committee. Seconded by Senator Fairchild and carried.

The Section passed as amended.

Section 6. Senator Knudsen moved to adopt the recommendations of the Committee and to strike out the word

"two" in line 2 of Section 6 and insert in lieu thereof the word "three". Seconded by Senator Fairchild and carried.

The Section passed as amended.

Section 7. Passed as read.

Section 8. Passed as read.

Section 9. Senator Knudsen moved to adopt the recommendations of the Committee. Seconded by Senator Fairchild and carried.

The Section passed as amended.

Section 10. Senator Knudsen moved to adopt the recommendations of the Committee. Seconded by Senator Fairchild and carried.

Section 11. Passed as read.

Section 12. Senator Knudsen moved to adopt the recommendations of the Committee. Seconded by Senator Fairchild and carried.

Senator Knudsen moved to insert Section 13 as recommended by the Committee. Seconded by Senator Coelho and carried.

Title. Senator Knudsen moved that the Title pass as read. Seconded by Senator McCarthy and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator Coelho and carried.

At 11:02 o'clock the Senate stood in recess subject to the call of the Chair.

At 11:15 o'clock the Senate reconvened.

Under suspension of the Rules, Senator McCarthy presented the Report (No. 7) of the Special Joint Conference Committee on House Bill No. 91, as follows:

Honorable W. O. Smith,

President of the Senate;

Honorable Chas. A. Rice,

Vice-Speaker of the House of Representatives.

Sirs:—Your Special Joint Conference Committee to which was referred House Bill No. 91, entitled "An Act to Authorize the Deposit of Territorial Moneys in Banks in this Territory", introduced by Hon. A. S. Kaleiupu, begs leave to report that it has had the same under careful consideration and recommends the final passage of the Bill as amended by the Senate, with the following amendment:

Strike out the word "four" in line 13 of Section 1 of the

Bill as amended by the Senate, and insert in lieu thereof the word "three".

Respectfully submitted,

C. J. MCCARTHY,
Chairman;
GEO. H. FAIRCHILD,
ERIC A. KNUDSEN,
ROBERT A. SHINGLE,
A. S. KALEIOPU.

Honolulu, April 21, 1909.

Upon motion of Senator McCarthy, seconded by Senator Woods, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Fairchild—1.

Senator Coelho presented the Report (No. 270) of the Committee on Public Health on House Bill No. 218 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 21, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Health to whom was referred House Bill No. 218 entitled "An Act to Amend Section 1068 of the Revised Laws as Amended by Act 48 of the Session Laws of 1905" begs leave to report that it has had the same under careful consideration and recommends the passage of the same.

The object of the Bill is to prohibit the affixing of the title of "Dr." to the name of "fakers" and to permit the issuance of license to practice osteopathy on the certificate of a Board of Examiners of any legally chartered regularly conducted School or College of Osteopathy; and further providing, that nothing therein shall prohibit the practice of the religious tenets

of any church so long as the regulations relating to contagious diseases are not infringed upon.

Respectfully submitted,

W. J. COELHO,

Chairman;

F. R. HARVEY.

I do not concur.

GEO. H. FAIRCHILD.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Woods presented the Report (No. 14) of the Select Committee of Hawaii Members on Senate Bills Nos. 75 and 84 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 21, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee of Hawaii Members to whom was referred Senate Bill No. 75 entitled “An Act to Divide the present County of Hawaii into two Counties, and to Provide for the Government thereof,” and Senate Bill No. 84 entitled “An Act to define the Boundaries of the First and Second Representative Districts of the Territory of Hawaii”, begs leave to report that it has had the same under careful consideration.

Your Committee favors the division of the Island of Hawaii as contemplated in said Bill No. 75, but finds that the public opinion on the Island of Hawaii is much against its division at the present time, as has been shown by the receipt of numerous letters and petitions, etc., addressed to the various members of this Senate from that island.

Your Committee is further opposed to this Bill on the ground that its passage would create more officers, and believes that the finances of the County of Hawaii, at this time, do not warrant the passage of same.

Your Committee therefore recommends that both Bills be laid upon the table.

Respectfully submitted,

PALMER P. WOODS,
Chairman;

JOHN T. BROWN,
R. H. MAKEKAU,
DAVID K. BAKER.

Upon motion of Senator Makekau, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Quinn offered the following Concurrent Resolution (No. 12) requesting Congress to increase the Salary of the Secretary of Hawaii to \$5,000.00 per year:

CONCURRENT RESOLUTION.

WHEREAS, by reason of the geographical position and economic situation of the Territory of Hawaii there are, in addition to the ordinary problems of government, many unusual and great responsibilities and duties devolving upon the Secretary of Hawaii, and

WHEREAS, the present salary provided by law for the Secretary of Hawaii is inadequate in view of the high cost of living in the Territory and the expense of entertainment of distinguished visitors to the Territory, and insufficient in view of the heavy responsibilities and duties which rest upon him,

THEREFORE BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF HAWAII, THE HOUSE OF REPRESENTATIVES CONCURRING:

That it is the sense of the Legislature of the Territory of Hawaii that the Organic Act of this Territory should be so amended as to place the salary of the Secretary of Hawaii at the sum of Five Thousand Dollars per year, and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the President of the United States, the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, and to the Delegate from Hawaii to said Congress.

E. W. QUINN,
Senator, 3rd District.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Resolution was adopted.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 141 entitled "An Act Providing for the Assessment of Property Benefited by the Honolulu Sewer System."

Senator Moore moved to insert the words "not later than June 1, 1910" after the word "Completion" in line 16 of Section 2. Seconded by Senator McCarthy and carried.

Senator Moore moved to strike out the words "March 1" in line 2 of Section 3 and insert in lieu thereof the words "July 1." Seconded by Senator McCarthy and carried.

Senator Moore moved to insert the words "provided that" after the word "forthwith" in line 9 of Section 3. Seconded by Senator McCarthy and carried.

Senator Moore moved to insert the words "and provided further that the owner of the land assessed shall receive credit on his assessment for all payments made for the use of the public sewer in connection with the land assessed" after the word "payment" in line 12 of Section 3. Seconded by Senator McCarthy and carried.

Senator Moore moved that the Bill pass Third Reading as amended. Seconded by Senator McCarthy and carried on the following showing of Ayes and Noes:

Ayes: Senators Coelho, Fairchild, Knudsen, McCarthy, Moore, Quinn, Robinson and Woods—8.

Noes: Senators Baker, Brown, Chillingworth, Harvey, Kalama, Makekau and Mr. President—7.

Third Reading of House Bill No. 122 entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907."

Senator Moore moved that the Bill be laid on the table. Seconded by Senator Baker.

Senator Coelho moved that the Bill pass Third Reading. Seconded by Senator Makekau.

The motion to lay the Bill on the table was then put and carried.

Third Reading of House Bill No. 164 entitled "An Act to Provide for the Examination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine such Persons and Defining their Duties."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Robinson, Woods and Mr. President—10.

Noes: Senator Brown—1.

Not Present: Senators Chillingworth, Fairchild, Moore and Quinn—4.

Senator Makekau moved to take up Senate Bill No. 148 for consideration. Seconded by Senator Kalama and carried.

Second Reading of Senate Bill No. 148 entitled "An Act to Amend the Last Paragraph of Section 1 of Act 50 of the Session Laws of 1907."

Senator Makekau moved to strike out the figure "1" after the word "Section" in the title and in lines 1 and 5 of Section 1 and insert in lieu thereof the figure "2". Seconded by Senator Woods and carried.

Senator Makekau moved that the Bill pass Second Reading as amended. Seconded by Senator Woods and carried.

Third Reading of House Bill No. 180 entitled "An Act Relating to Taxation, Amending Sections 1183, 1184, 1188, 1195, 1203, 1206, 1215B, 1216, 1217, 1221, 1222, 1235, 1237, 1243, 1244, 1245, 1247, 1259, 1263, 1265, 1266, 1267, 1268, 1271 of the Revised Laws of Hawaii, Repealing Section 1202 thereof, and Adding Three New Sections thereto, Sections 1213A, 1221A and 1266A."

Senator Robinson moved that the Bill be laid on the table. Seconded by Senator Brown and carried.

Second Reading of Senate Bill No. 112 entitled "An Act to Amend Section 123 of the Revised Laws of Hawaii."

Senator Fairchild moved that the Bill be laid on the table. Seconded by Senator Woods and lost.

At 11:53 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Fairchild and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 266) from the House of Representatives, informing the Senate of its adoption of the Report of the Special Joint Conference Committee on House Bill No. 91, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on House Bill

No. 91 was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 267) from the House of Representatives, returning Senate Bill No. 127, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 127, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

After line 11 of Section 1 insert the following:

Strike out the figure "960" from the clause "Deputy Sheriff of the District of North Kona" and insert in lieu thereof the figure "1080", so as to read as follows:

"Deputy Sheriff of the District of North Kona 1080 a year."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Baker moved that the Senate concur in the amendments made by the House of Representatives to Senate Bill No. 127. Seconded by Senator Brown and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Quinn—1.

A Communication (No. 268) from the House of Representatives, transmitting House Bill No. 228, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 228, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 228 entitled "An Act Relating to the College of Agriculture and Mechanic Arts, Amending Section 3 of Act 24 of the Laws of 1907."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 269) from the House of Representatives, transmitting House Bill No. 224, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 224, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 224 entitled "An Act Relating to the Taxation of Insurance Companies, Amending Section 2621 of the Revised Laws of Hawaii."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading.

A Communication (No. 270) from the House of Representatives, transmitting House Bill No. 230, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 230, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
First Reading of House Bill No. 230 entitled "An Act to Amend Section 121 of Act 118 of the Session Laws of 1907, entitled 'An Act Incorporating the City and County of Honolulu.'"

The Bill was read by title and, upon motion of Senator Harvey, seconded by Senator Coelho, passed First Reading.

A Communication (No. 271) from the House of Representatives, transmitting House Bill No. 219, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 219.

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 219 entitled "An Act to Amend Chapter 35 of the Revised Laws Relating to Diseases of Animals by Amending Section 447 of the Revised Laws and by Adding a New Section thereto to be known as Section 447A."

The Bill was read by title and, upon motion of Senator Robinson, seconded by Senator Kalama, passed Second Reading.

Senator Fairchild for the Committee on Ways and Means reported verbally on Senate Bill No. 30, as amended by the House of Representatives, recommending that the Senate concur in the amendments.

Senator Coelho moved to concur in the amendments made by the House of Representatives to Senate Bill No. 30. Seconded by Senator McCarthy and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Quinn—1.

Senator Knudsen for the Committee on Judiciary reported verbally on House Bill No. 6, recommending that the Bill be laid on the table.

Upon motion of Senator Knudsen, seconded by Senator Brown, House Bill No. 6 was laid on the table.

Under suspension of the Rules, Senator Makekau gave notice of intention to introduce a Bill entitled "An Act to Authorize the Treasurer of the Territory to pay to the Treasurers of the Several Counties Special Road Fund Deposits."

Senator Makekau introduced a Bill (S. B. No. 149) entitled "An Act to Authorize the Treasurer of the Territory to Pay to the Treasurers of the Several Counties Special Road Fund Deposits."

The Bill was read by title and, upon motion of Senator Makekau, seconded by Senator Kalama, passed First Reading, the Clerk being directed to furnish the Members with typewritten copies of the Bill.

Second Reading of Senate Bill No. 112 entitled "An Act to Amend Section 1203 of the Revised Laws of Hawaii."

Senator Kalama moved to strike out the words "all automobiles shall be subject to an annual tax of 2% upon the assessed valuation thereof to be paid by the owner thereof" in lines 9, 10 and 11 of Section 1 and insert in lieu thereof the words "all automobiles and power driven vehicles shall be subject to an annual tax of one cent for each pound in weight of such vehicle to be paid by the owner thereof; in computing the weight the factory weight of each car plus ten per cent. (10%) shall be taken for the basis of taxation." Seconded by Senator McCarthy and carried.

Senator Kalama moved that the Bill pass Second Reading as amended. Seconded by Senator McCarthy and carried.

Third Reading of House Bill No. 189 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof'."

Senator Fairchild moved that the Bill be laid on the table. Seconded by Senator Harvey.

Senator Coelho moved that the Bill pass Third Reading. Seconded by Senator Brown.

The motion to lay the Bill on the table was then put and lost.

Senator Kalama moved that action on the Bill be deferred until Thursday, April 22nd, 1909. Seconded by Senator Fairchild and carried.

Third Reading of House Bill No. 201 entitled "An Act to Amend Section 1728 of the Revised Laws of Hawaii Relating to Proof and Entry of Defaults against Defendants in Civil Actions."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 202 entitled "An Act to Provide for the Care, Custody, Control and Payment of Five Thousand Seven Hundred and Seventy-five and 18/100 Dollars (\$5,775.18) being the Money now in the Possession of the Treasurer of the Territory and Designated or Known as the Special Gold Certificate Deposit, Special Silver Certificate Deposit and Special Postal Money Order Deposit."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 205 entitled "An Act to Provide for the Payment of the Several District Courts."

Senator Coelho moved to strike out item

"District Magistrate, Kalaupapa

(\$20.00) \$ 240.00 a year"

Seconded by Senator Harvey and carried.

Senator Chillingworth moved to amend item

"District Magistrate, Honolulu

(\$200.00) \$2,400.00 a year"

so as to read

"District Magistrate, Honolulu

(\$225.00) \$2,700.00 a year"

Seconded by Senator Moore and carried.

Senator Robinson moved to amend item

"District Magistrate, Wailuku

(\$100.00) \$1,200.00 a year"

so as to read

"District Magistrate, Wailuku

(\$125.00) \$1,500.00 a year"

Seconded by Senator Coelho and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—13.

Noes: Mr. President—I.

Not Present: Senator Chillingworth—I.

Third Reading of House Bill No. 208 entitled "An Act Providing an Annual License Upon the Business of Transmitting and Receiving Messages and Intelligence by Wireless Telegraph and Prescribing Penalties for Failure to Procure such Licenses."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—I.

Third Reading of House Bill No. 209 entitled "An Act to Amend Section 1320 of the Revised Laws in Relation to Stamp Duties."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Mr. President—14.

Noes: Senator Woods—1.

Third Reading of House Joint Resolution No. 7.

The Joint Resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson and Mr. President—14.

Noes: 0.

Not Present: Senator Woods—1.

Second Reading of House Bill No. 200 entitled "An Act Giving Warehousemen a Lien for Storage and Authorizing its Enforcement by Sale."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 210 entitled "An Act Relating to Candidates for Public Offices."

The Chair ruled that under section 45 of the Rules of the Senate, a similar Bill having been Indefinitely Postponed, House Bill No. 210 could not be considered at this Session of the Senate.

Second Reading of House Bill No. 221 entitled "An Act to Amend Section 1747 of the Revised Laws Relating to the Decision by a Court in Writing in Trials without Jury."

Upon motion of Senator Knudsen, seconded by Senator Kalama, the Bill passed Second Reading.

Second Reading of House Bill No. 222 entitled "An Act Relating to Bail, Amending Sections 2772, 2788 and 2789 of the Revised Laws, Repealing Section 2780 of the Revised Laws and Adding Four New Sections to be known as Sections 2772A, 2789A, 2789B and 2789C."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 225 entitled "An Act to Amend Section 1266 of the Revised Laws as Amended, Relating to Tax Liens."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 226 entitled "An Act to Amend Section 1235 of the Revised Laws Relating to Failure to Return Property for Taxation."

Referred to the Committee on Ways and Means.

Second Reading of House Bill No. 218 entitled "An Act to Amend Section 1068 of the Revised Laws as Amended by Act 48 of the Session Laws of 1905."

Upon motion of Senator Coelho, seconded by Senator Harvey, the Bill passed Second Reading.

A Communication (No. 272) from the House of Representatives, informing the Senate of its appointment of a Conference Committee for the further consideration of Senate Bill No. 128, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

Your Honorable Body, having failed to concur in the amendments made by the House to Senate Bill No. 128, I beg leave to inform you that the Vice-Speaker of the House of Representatives has this day appointed the following to act as Conferees for the further consideration of said Bill:

Representatives Castro, Hihio and Kealawaa.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Quinn moved to take House Bill No. 122 off the table. Seconded by Senator Moore and carried.

Third Reading of House Bill No. 122 entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907."

Senator Moore moved that the item

"Members of the Board of Supervisors \$ 900.00 per annum"
pass at \$600.00 Seconded by Senator Quinn.

Senator Harvey moved that the item pass as in the Bill. Seconded by Senator Coelho.

The motion to pass the item at \$600.00 was then put and carried.

Senator Moore moved that the item

"Deputy Sheriff of the District
of Ewa \$1,500.00 per annum"
pass at \$1,200.00. Seconded by Senator Quinn and carried.

Senator Moore moved that the item

"Deputy Sheriff of the District
of Waianae \$ 900.00 per annum"
pass at \$600.00 Seconded by Senator Woods.

Senator Chillingworth moved as an amendment that the item pass at \$720.00. Senator Moore accepted the amendment, which carried.

Senator Moore moved that the item

"Deputy Sheriff of the District
of Waialua\$1,200.00 per annum"
pass at \$900.00. Seconded by Senator Quinn.

Senator Harvey moved that the item pass as in the Bill. Seconded by Senator Chillingworth.

The motion to pass the item at \$900.00 was withdrawn, the item passing as in the Bill.

Senator Moore moved that the item

"Deputy Sheriff of the District
of Koolauloa\$ 900.00 per annum"
pass at \$720.00. Seconded by Senator Quinn and carried.

Senator Moore moved that the item

"Deputy Sheriff of the District
of Koolaupoko\$ 900.00 per annum"
pass at \$720.00. Seconded by Senator Quinn and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Senator Fairchild for the Committee on Ways and Means reported verbally on Senate Bill No. 19, recommending that the Senate concur in the amendments made by the House of Representatives.

Senator Coelho moved to concur in the amendments made to Senate Bill No. 19. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Senator Fairchild for the Committee on Ways and Means reported verbally on House Bill No. 226, recommending that the Bill be referred to the Committee on Judiciary.

Upon motion of Senator Chillingworth, seconded by Senator Fairchild, the Bill was referred to the Committee on Judiciary.

Senator Fairchild for the Committee on Ways and Means

reported verbally on House Bills Nos. 216 and 217, recommending their passage.

Second Reading of House Bill No. 216 entitled "An Act to Amend Section 3 of Act 42 of the Session Laws of 1903, Relating to Public Loans."

The Bill was ordered referred to the Committee on Judiciary.

Second Reading of House Bill No. 217 entitled "An Act to Amend Section 1 of Act 97 of the Session Laws of 1907, Relating to the Sinking Fund for the Redemption or Purchase of Territorial Bonds."

Upon motion of Senator Fairchild, seconded by Senator Moore, the Bill passed Second Reading.

Senator Fairchild for the Committee on Ways and Means asked leave to return House Bill No. 166 to the Senate. Granted.

Second Reading of House Bill No. 166 entitled "An Act Authorizing the Expenditure of the Sum of Ten Thousand Dollars for the Purpose of Erecting a Statue to the Memory of Kamehameha III."

Upon motion of Senator Fairchild, seconded by Senator Knudsen, the Bill was laid on the table.

Senator Fairchild for the Committee on Ways and Means asked leave to return Senate Bill No. 81 to the Senate. Granted.

Second Reading of Senate Bill No. 81 entitled "An Act to Provide for Medical Inspection of the Public School Children in the Territory of Hawaii."

The President here called the Vice-President to the Chair.

Senator Smith moved that the Bill pass Second Reading. Seconded by Senator Fairchild and carried.

Senator Fairchild for the Committee on Ways and Means reported verbally on House Bill No. 197, recommending that the Bill be referred to the Select Committee of Hawaii Members.

The Bill was ordered referred to the Select Committee of Hawaii Members.

Senator Kalama for the Committee on Public Lands, Internal Improvements, Agriculture, etc., asked leave to return Senate Bill No. 144 to the Senate. Granted.

Senator Knudsen moved that Senate Bill No. 144 be laid on the table. Seconded by Senator Woods and carried.

At 3:54 o'clock, upon motion of Senator Coelho, seconded by Senator Brown, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-FIFTH DAY.

Thursday, April 22nd, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Fifty-fourth Day was read and, upon motion of Senator Woods, seconded by Senator Harvey, approved as read.

A Communication (No. 61) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105, by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 21, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—I have the honor to notify you that the Governor has this day signed the following bills:

Senate Bill No. 102 as Act 95;

House Bill No. 157 as Act 96;

Senate Bill No. 88 as Act 97;
House Bill No. 175 as Act 98;
House Bill No. 176 as Act 99;
House Bill No. 88 as Act 100;
House Bill No. 89 as Act 101;
House Bill No. 90 as Act 102;
Senate Bill No. 100 as Act 103;
House Bill No. 188 as Act 104;
Senate Bill No. 133 as Act 105.

Very truly yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
Senator Knudsen presented the Report (No. 271) of the
Committee on Judiciary on House Bill No. 64, as follows:

SENATE CHAMBER.

Honolulu, T. H., April 21, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Territory of Hawaii.

Sir:—Your Judiciary Committee respectfully submits its report upon House Bill No. 64, being an act to amend Sections 1, 5, 12 and 25 of Act 102 of the Laws of 1905, relating to the Inheritance Tax, as follows:

The Bill has two primary purposes, first, to increase the amount of the exemption from \$1,000.00 to \$1,500.00, and second, to provide for the more practical and efficient working of the law as a whole.

Your Committee approves both of these objects. The change as to increase of the exemption was originally recommended by the recently appointed Tax Commission; and the amendments relating to procedure have been carefully considered by your Committee.

Your Committee recommends an amendment to Section 2, (amending Section 5 of Act 102) by adding a provision to prevent the law being construed to require the tax to be collected, in cases where no distribution to heirs or devisees is possible because of embezzlement or other destruction of the property so that it can never be received or enjoyed by the person taxed.

This amendment is suggested in view of an example of the kind now reported to your Committee, which threatens great hardship. The amendment offered has the approval of the Attorney General so far as its form and legal scope is concerned. Section 2 of the Bill will then read in full as follows:

“Section 2. Section 5 of Act 102 of the Session Laws of 1905 is hereby amended so as to read as follows:

‘All taxes imposed by this Act, unless otherwise herein provided for, shall be due and payable at the death of the decedent and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within twelve months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in Section 3 of this Act for the payment of said tax, together with interest.

Provided, that nothing in this Act contained shall be construed to require the collection or payment of any tax assessed or assessable against any property or interest which upon final distribution in any estate cannot be distributed to or come into the possession or enjoyment of the persons entitled thereto.”

A further amendment should be made to the Bill, to reinstate a few words omitted by manifest accident in process of copying. Reference to Section 1 of the existing law will show that in the present Bill the following words should appear immediately after the word “transferred” in line 17, namely: “until paid and the person to whom the property passes or is transferred.”

With the foregoing amendments your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman;

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 64 entitled “An Act to Amend Sections 1, 5, 12 and 25 of Act 102 of the Laws of 1905, Relating to the Inheritance Tax.”

- Section 1. Recommendation of Committee adopted.
- Section 2. Recommendation of Committee adopted.
- Section 3. Passed as read.
- Section 4. Passed as read.
- Section 5. Passed as read.
- Title. Passed as read.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator Moore and carried.

Third Reading of Senate Bill No. 148, entitled "An Act to Amend the Last Paragraph of Section 2 of Act 50 of the Session Laws of 1907."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—12.

Noes: 0.

Not Present: Senators Chillingworth, Fairchild and Quinn—3.

Third Reading of Senate Bill No. 81, entitled "An Act to Provide for Medical Inspection of the Public School Children in the Territory of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—10.

Noes: Senators Brown and Coelho—2.

Not Present: Senators Chillingworth, Harvey and Quinn—3.

Third Reading of Senate Bill No. 112 entitled "An Act to Amend Section 1203 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Kalama, Knudsen, McCarthy, Moore, Robinson, Woods and Mr. President—11.

Noes: 0.

Not Present: Senators Chillingworth, Harvey, Makekau and Quinn—4.

Third Reading of Senate Bill No. 147 entitled "An Act to Amend Sections 1155 and 1157 of the Revised Laws Relating to Records of Births, Deaths and Marriages."

Senator Baker moved to strike out the words "its approval" in lines 1 and 2 of Section 3 and insert in lieu thereof the words "July 1, 1909". Seconded by Senator Fairchild and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of Senate Bill No. 146 entitled "An Act Amending Section 144 of Act 118 of the Session Laws of 1907."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

At 10:54 o'clock a recess was taken subject to the call of the Chair.

At 11:20 o'clock the Senate reconvened.

Senator Knudsen presented the Report (No. 272) of the Committee on Judiciary on House Bill No. 225, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 22, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred House Bill No. 225 entitled "An Act to Amend Section 1266 of the Revised Laws as amended Relating to Tax Liens" begs leave to report that it has had the same under careful consideration.

The object of this Bill is to amend the law on tax liens, making all taxes including income taxes, a lien on real property.

This is following out the recommendations of the Tax Com-

mission (See page 63 of Tax Commission Report). Otherwise, there is not much change, the main object being to make the law workable. Your Committee, therefore, recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Senator Knudsen presented the Report (No. 273) of the Committee on Judiciary on House Bill No. 226 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 22, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred House Bill No. 226 entitled "An Act to Amend Section 1235 of the Revised Laws, Relating to Failure to return Property for Taxation", begs leave to report that it has had the same under careful consideration.

The object of this Bill is to more clearly define the law, as it now stands on the statute books, relating to failure to return property for taxation, and giving the persons who have not made a return the right of appeal.

The present law is rather vague on the matter and there is grave doubt as to whether it is constitutional or not.

This Bill will remove any doubt in the matter, so your Committee recommends its passage.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

Upon motion of Senator Knudsen, seconded by Senator McCarthy, the Report of the Committee was adopted.

Senator Knudsen presented the Report (No. 274) of the Committee on Judiciary on House Bill No. 200 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 22, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred House Bill No. 200 entitled "An Act giving Warehousemen a Lien for Storage and Authorizing its Enforcement by Sale", begs leave to report that it has given the same careful consideration.

The object of this Bill is to give warehousemen the right to sell goods or merchandise after due notice when same have not been called for within six months.

Your Committee favors the bill and recommends its passage.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 200 entitled "An Act Giving Warehousemen a Lien for Storage and Authorizing its Enforcement by Sale."

Upon motion of Senator Knudsen, seconded by Senator Robinson, the Report of the Committee on the Bill was adopted.

Senator Knudsen presented the Report (No. 275) of the Committee on Judiciary on House Bill No. 216, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 22, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Judiciary to whom was referred House Bill No. 216 entitled "An Act to Amend Section 3 of Act 42 of the Session Laws of 1903 relating to Public Loans", begs leave to report that it has had the same under careful consideration.

The object of this Bill is to enable the Territory of Hawaii to sell its bonds for longer terms, thereby having to pay lower rates of interest, and thus requiring a smaller amount to be set aside each year as a sinking fund.

The date of the passage of the Organic Act is wrongly given as "1898" instead of "1900".

Your Committee therefore recommends striking out the figures "1898" in line 8 of Section 1 and the insertion in lieu thereof of the figures "1900".

With this amendment, your Committee recommends the passage of the Bill.

Respectfully submitted,

ERIC A. KNUDSEN,
Chairman;
CHAS. F. CHILLINGWORTH,
R. H. MAKEKAU.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 216, entitled "An Act to Amend Section 3 of Act 42 of the Session Laws of 1903, Relating to Public Loans."

Upon motion of Senator Moore, seconded by Senator Robinson, the Report of the Committee on the Bill was adopted.

Senator Kalama presented the Report (No. 276) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Bill No. 196, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 22, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands to whom was referred House Bill No. 196 entitled "An Act to Amend Section 390B of the Revised Laws as Enacted by Act 82 of the Session Laws of 1905", begs leave to report as follows:

The object of the Bill is to give the Board of Agriculture and Forestry the further power of making Rules and Regulations governing the Transportation of Live Stock on the various Common Carriers of the Territory.

We believe the Commissioners should have this power so recommend that the Bill pass.

Respectfully submitted,

S. E. KALAMA,
Chairman;
ERIC A. KNUDSEN,
PALMER P. WOODS.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 196 entitled "An Act to Amend Section 390B of the Revised Laws as Enacted by Act 82 of the Session Laws of 1905."

Upon motion of Senator Robinson, seconded by Senator Moore, the Report of the Committee on the Bill was adopted.

Senator Fairchild presented the Report (No. 8) of the Special Joint Conference Committee on Senate Bill No. 128 as follows.

SENATE CHAMBER,

Honolulu, T. H., April 22, 1909.

Honorable Wm. O. Smith,
President of the Senate;

Honorable Chas. A. Rice,
Vice-Speaker, House of Representatives.

Gentlemen:—Your Joint Conference Committee to which was

referred Senate Bill No. 128, "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period Ending the Thirtieth Day of June, A. D. 1909", begs leave to report that it does not concur in the amendments made to same by the House of Representatives and recommend the Bill be laid on the table.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
E. W. QUINN,
A. D. CASTRO,
J. K. HIHIO,
M. K. KEALAWAA.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act Making Additional Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911."

Under the suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 150) entitled "An Act Making Additional Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 189 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof'."

Senator Robinson moved to strike out the figures "1,800.00" in line 8 of Section 1 and insert in lieu thereof the figures "1,500.00". Seconded by Senator Kalama and carried.

Senator Robinson moved to strike out the words and figures "1,800.00" after the words 'Sheriff of the County of Maui' in line 7 thereof, by inserting in their place the figures '2,100.00' after the word "Supervisors" in line 3 of Section 1. Seconded by Senator Kalama and carried.

Senator Knudsen moved that the Bill be referred to a Select Committee to consist of the Members from the Island of Maui. Seconded by Senator Woods and carried.

Second Reading of Senate Bill No. 149 entitled "An Act to Authorize the Treasurer of the Territory to Pay to the Treas-

SENATE CHAMBER,

Honolulu, T. H., April 22, 1939.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands to whom was referred House Bill No. 196 entitled "An Act to Amend Section 390B of the Revised Laws as Enacted by Act 82 of the Session Laws of 1905", begs leave to report as follows:

The object of the Bill is to give the Board of Agriculture and Forestry the further power of making Rules and Regulations governing the Transportation of Live Stock on the various Common Carriers of the Territory.

We believe the Commissioners should have this power so recommend that the Bill pass.

Respectfully submitted,

S. E. KALAMA,
Chairman;
ERIC A. KNUDSEN,
PALMER P. WOODS.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 196 entitled "An Act to Amend Section 390B of the Revised Laws as Enacted by Act 82 of the Session Laws of 1905."

Upon motion of Senator Robinson, seconded by Senator Moore, the Report of the Committee on the Bill was adopted.

Senator Fairchild presented the Report (No. 8) of the Special Joint Conference Committee on Senate Bill No. 128 as follows.

SENATE CHAMBER,

Honolulu, T. H., April 22, 1939.

Honorable Wm. O. Smith,
President of the Senate;
Honorable Chas. A. Rice,
Vice-Speaker, House of Representatives.

Gentlemen:—Your Joint Conference Committee to which was

referred Senate Bill No. 128, "An Act Making Additional Appropriations for the Departmental Use of the Territory for the Biennial Period Ending the Thirtieth Day of June, A. D. 1909", begs leave to report that it does not concur in the amendments made to same by the House of Representatives and recommend the Bill be laid on the table.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman;
W. J. COELHO,
E. W. QUINN,
A. D. CASTRO,
J. K. HIRIO,
M. K. KEALAWAA.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Coelho gave notice of intention to introduce a Bill entitled "An Act Making Additional Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911."

Under the suspension of the Rules, Senator Coelho introduced a Bill (S. B. No. 150) entitled "An Act Making Additional Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 189 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii, and Providing for the Government thereof'."

Senator Robinson moved to strike out the figures "1,800.00" in line 8 of Section 1 and insert in lieu thereof the figures "1,500.00". Seconded by Senator Kalama and carried.

Senator Robinson moved to strike out the words and figures "1,800.00" after the words 'Sheriff of the County of Maui' in line 7 thereof, by inserting in their place the figures "2,100.00" after the word "Supervisors" in line 3 of Section 1. Seconded by Senator Kalama and carried.

Senator Knudsen moved that the Bill be referred to a Select Committee to consist of the Members from the Island of Maui. Seconded by Senator Woods and carried.

Second Reading of Senate Bill No. 149 entitled "An Act to Authorize the Treasurer of the Territory to Pay to the Treas-

urers of the Several Counties Special Road Fund Deposits."

Senator Makekau moved that the Bill pass Second Reading. Seconded by Senator Brown and carried.

At 11:55 o'clock Senator Quinn moved to take a recess until 2 o'clock. Seconded by Senator Coelho and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 273) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 122, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 122.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 274) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 205 and of the appointment of a Conference Committee for the further consideration of the Bill, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the

House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 205, and that the Speaker has appointed the following Conferees from the House:

Honorables Affonso, Long and Waiwaiole.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. The Chair appointed the following to act as a Conference Committee for the further consideration of House Bill No. 205: Senators Knudsen, Chillingworth and Makekau.

A Communication (No. 275) from the House of Representatives, returning Senate Bill No. 107, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 107, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

Amend Section 1 to read as follows:

"Section 1. The following sums of money, amounting to Six Hundred and Twenty-Nine Dollars and Fifty Cents (\$629.50), are hereby appropriated to be paid out of all moneys in the Treasury received from all the Current Receipts of the Several Revenues of the Territory of Hawaii to pay the Unpaid Bills of the Government of the Territory of Hawaii up to December 1, A. D. 1906:

Board of Health—

Claim of O. Tollefsen.....	\$250.00
Theo. H. Davies & Co., supplies.....	46.00
Theo. H. Davies & Co., supplies.....	46.00

Superintendent of Public Works Road Damages, Hana, Maui—

Claim of W. K. Keoho, of Kipahulu, Maui, for land taken for road purposes in 1900, and for disturbing the remains of the ancestors of claimant	200.00
--	--------

Treasury Department—

M. M. Springer, services as stenographer..... 87.50''

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file, and Senate Bill No. 107 was referred to the Committee on Ways and Means.

A Communication (No. 276) from the House of Representatives, returning Senate Bill No. 143, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 143, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Third Reading of House Bill No. 191, entitled "An Act to Authorize W. A. Wall, His Associates, Successors and Assigns to Construct, Maintain and Operate a Railroad in Certain Districts on the Island of Hawaii, in the Territory of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of House Bill No. 217, entitled "An Act to Amend Section 1 of Act 97 of the Session Laws of 1907, Relating to the Sinking Fund for the Redemption or Purchase of Territorial Bonds."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Third Reading of House Bill No. 218, entitled "An Act to Amend Section 1068 of the Revised Laws as Amended by Act 48 of the Session Laws of 1905."

Upon motion of Senator Coelho, seconded by Senator Knudsen, action on the Bill was deferred until Friday, April 23rd, 1909.

Third Reading of House Bill No. 221, entitled "An Act to Amend Section 1747 of the Revised Laws Relating to the Decision by a Court in Writing in Trials Without Jury."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Harvey—1.

Second Reading of House Bill No. 219, entitled "An Act to Amend Chapter 35 of the Revised Laws Relating to Diseases of Animals by Amending Section 447 of the Revised Laws and by Adding a New Section to be known as Section 447A."

Referred to the Committee on Judiciary.

Second Reading of House Bill No. 228, entitled "An Act Relating to the College of Agriculture and Mechanic Arts, Amending Section 3 of Act 24 of the Laws of 1907."

Referred to the Committee on Education.

Second Reading of House Bill No. 224, entitled "An Act Relating to the Taxation of Insurance Companies, Amending Section 2621 of the Revised Laws of Hawaii."

Referred to the Select Committee on Taxation.

Second Reading of House Bill No. 230, entitled "An Act to Amend Section 121 of Act 118 of the Session Laws of 1907, entitled 'An Act Incorporating the City and County of Honolulu'."

Senator Knudsen moved to insert the words "with the approval of the Board of Supervisors" between the words "may"

and "appoint" in line 3 of Section 1. Seconded by Senator Makekau and carried.

Senator Makekau moved that the Bill pass Second Reading as amended. Seconded by Senator Woods and carried.

Second Reading of House Bill No. 225, entitled "An Act to Amend Section 1266 of the Revised Laws as Amended, Relating to Tax Liens."

Senator Knudsen moved that the Bill pass Second Reading. Seconded by Senator Moore.

Senator Fairchild moved that action on the Bill be deferred until Friday, April 23rd, 1909. Seconded by Senator Robinson and carried.

A Communication (No. 277) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 164, and of the appointment of a Conference Committee for the further consideration of the Bill, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1909.

etc.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 164, and that the Speaker has appointed the following Conferees from the House:

Honorables Concy, Kawewehi and Kaleiopu.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee for the further consideration of House Bill No. 164: Senators Coelho, Fairchild and Harvey.

A Communication (No. 278) from the House of Representatives, informing the Senate of its adoption of the Report of the Special Joint Conference Committee on Senate Bill No. 128, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the Report of the Special Joint Conference Committee on Senate Bill No. 128 was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Fairchild for the Committee on Ways and Means reported verbally on Senate Bill No. 107, recommending that the Senate concur in the amendments made by the House of Representatives.

Senator Coelho moved that the Senate concur in the amendments made to Senate Bill No. 107. Seconded by Senator Makekau and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Woods and Mr. President—13.

Noes: Senator Robinson—I.

Not Present: Senator Harvey—I.

Senator Quinn offered the following Resolution (No. 62) relating to the making of an Inventory by the Clerk of all Senate Property after adjournment.

RESOLUTION.

RESOLVED, that the Clerk of the Senate be instructed to make an inventory of all furniture and property in use by the Senate of the Territory of Hawaii, and that after the adjournment of the Legislature, he shall turn the said property over to the Superintendent of Public Works, who is charged with the custody of same.

E. W. QUINN,
Senator, 3rd District.

Senator Quinn moved that the Resolution be adopted. Seconded by Senator Fairchild and carried.

Senator Quinn offered the following Resolution (No. 63) relating to the approval of claims against the Senate after adjournment:

SENATE RESOLUTION.

BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, that after the adjournment of the Legislature sine die, the President of the Senate and the Chairman of the Committee on Accounts be, and they are hereby authorized, empowered, and directed to pass upon all claims against the Senate including all claims paid out of the Federal appropriation, "Legislative Expenses, Territory of Hawaii, 1909", for any reason rejected by the Auditor for State and Other Departments as not chargeable against said appropriation, and to approve vouchers for the payment of all just claims including claims rejected as aforesaid which claims upon such approval shall thereupon be paid by the Clerk of this Senate out of the balance remaining of the moneys appropriated for the expenses of the Senate during the present Session of the Legislature.

E. W. QUINN,
Senator, 3rd District.

Honolulu, T. H., April 22, 1909.

Senator Quinn moved that the Resolution be adopted. Seconded by Senator Coelho and carried.

Senator Quinn offered the following Concurrent Resolution (No. 13) relating to the payment by the Legislature of the sum of \$250.00 to D. L. Conkling for services rendered:

CONCURRENT RESOLUTION.

BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii; the House of Representatives concurring:

That the sums of One Hundred and Twenty-five Dollars (\$125.00) be and the same are hereby set aside from each of the Federal allotments for Legislative Expenses of the Senate and House of Representatives respectively, for the purpose of remunerating D. L. Conkling, Chief Clerk in the Office of the Secretary of Hawaii, for his assistance to the Senate Committee on Accounts and the Committee of Public Expenditures and Ac-

counts of the House of Representatives, and as Bill Clerk to the Secretary of Hawaii during the Fifth Regular Session of the Legislature of the Territory of Hawaii.

E. W. QUINN,
Senator, 3rd District.

Upon motion of Senator Quinn, seconded by Senator Fairchild, the Resolution was referred to the Committee on Judiciary.

At 2:58 o'clock, upon motion of Senator Makekau, seconded by Senator Brown, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-SIXTH DAY.

Friday, April 23rd, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Quinn absent.

The Journal of the Fifty-fifth Day was read and, upon motion of Senator Robinson, seconded by Senator Brown, approved as read.

A Communication (No. 279) from the House of Representatives, transmitting House Bill No. 231, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 231,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 231 entitled "An Act to Amend Section 2566 of the Revised Laws Relating to the Annual Exhibit of Corporations."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading.

Senator Robinson presented the Report (No. 277) of the Committee on Education on House Bill No. 228 as follows.

SENATE CHAMBER,

Honolulu, T. H., April 23, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Education, to whom was referred House Bill No. 228 entitled "An Act Relating to the College of Agriculture and Mechanic Arts, Amending Section 3 of Act 24 of the Laws of 1907", begs leave to report that it has had the same under careful consideration.

The object of the amendment sought by this Bill is to give the Board of Regents the power to appoint a Treasurer and such other officers as they deem necessary and to require them to give bonds in such amounts as they may prescribe and approve, and to assent to grants of money and the purposes of said grants as are authorized by the Act of Congress, approved August 30, 1890, for the more complete endowment and maintenance of colleges for the benefit of Agriculture and Mechanic Arts.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

W. T. ROBINSON,
Chairman;
ERIC A. KNUDSEN,
C. J. MCCARTHY.

The Report of the Committee was laid on the table to be considered with the Bill.

Second Reading of House Bill No. 228, entitled "An Act Relating to the College of Agriculture and Mechanic Arts, Amending Section 3 of Act 24 of the Laws of 1907."

Upon motion of Senator Robinson, seconded by Senator Knudsen, the Report of the Committee on the Bill was adopted.

Senator Knudsen for the Committee on Judiciary reported verbally on Senate Concurrent Resolution No. 13, recommending its adoption.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Woods for the Select Committee on Senate Resolution No. 60 presented the Report of the Committee as follows:

SENATE CHAMBER,

Honolulu, T. H., April 22, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu, T. H.

Sir:—Your Select Committee, to whom was referred Senate Resolution No. 60, begs leave to report as follows:

The charges as made against the Board of Agriculture and Forestry are contained in a letter dated March 17, 1909, which is filed herewith and marked Exhibit "A".

Your Committee has investigated these charges, but the author of them, Mr. Julian Monsarrat did not attend the hearing of the Committee to substantiate his charges though due notice was sent as per wireless message, a copy of which is attached herewith marked Exhibit "B"; the reply is marked Exhibit "C".

Both Messrs. Norgaard and Hosmer were examined and their answers are herewith submitted, marked Exhibits "D" and "E" respectively.

Your Committee finds the charges to be unfounded and can find no grounds for the same and believes that if the maker of them, Mr. J. Monsarrat, had taken the precaution to look into them himself he could not have taken up the time of this Senate with such groundless charges, as they are based entirely on hearsay and show an utter lack of knowledge of existing Rules and Regulations of the Board of Agriculture and Forestry.

Your Committee would suggest to those who desire to make charges against Public Officials that they make them to the

Legislature and not to individuals and only when some tangible evidence can be adduced to support the same.

Your Committee recommends that the charges against Dr. Norgaard and Mr. Ralph Hosmer be tabled.

Respectfully submitted,

PALMER P. WOODS,

Chairman.

ERIC A. KNUDSEN,

CHAS. F. CHILLINGWORTH.

EXHIBIT "A"

Pahala, Hawaii, March 17th, 1909.

Hon. Palmer P. Woods,
Honolulu, Oahu.

Dear Palmer:—Am still waiting for affidavits from California; expect them in the next mail. In the meantime, perhaps it would be well to start an investigation along these lines:

Why Norgaard was given \$400.00 of Government money last year with which to go on a vacation? Why Norgaard is allowed an assistant, when there is not enough work to keep him busy? Why Schuman's stock is allowed to be quarantined in his own corrals, instead of the Government Quarantine grounds? Why so much of Hosmer's time is given the Mahogany Co. and none of their propositions to stump land are turned down? Why Hosmer never visits the reservations he has already made, and is favoring more? Why the Koa and Ohia trees on Government land are pulled up by the roots, when it is a well known fact that both of these trees propagate themselves more readily from the root, than from seed? Is it not less expensive to pull up by the roots, for the Mahogany Co., than it is to cut down trees? Why so large a staff of Clerks and Stenographers? (See Hawaiian Forester for February. Staff of four clerks.) It would seem to me that now economy is the cry, that a great reduction in the running expenses of this Board could be made, and now is the only chance to make it. Why an entomologist cannot be procured from the Board unless his expenses are paid? Why no attention is paid to anything on the other Islands, when it is absolutely necessary that visits should be made? Why so few of the district foresters made reports in 1907? (See Hosmer's report 1907.) Only 11 out of 38 reported. Is this not due to the fact that they have lost interest, seeing Hosmer never visits the reservations?

Has Rule 6 (Inspecting and Testing for Glanders) of the Board been broken within the past year, and if so by whom, and when, giving full particulars? This is the matter for which I expect the affidavits. It might be well to get an answer from Norgaard before the affidavits are shown. This rule has been broken and by Norgaard himself. Rule, page 108, report of Board for 1907.

If you will go into the matter of expenses of this Board, you will find any amount of room for economy. All they have to show for their work is a volume of reports. Ask the Auditor what his opinion is.

Start on this much and I will forward you particulars, with affidavits just so soon as they arrive.

I know of a case where Norgaard allowed a certain Plantation Agent to take a mule of Schuman's, that had reacted to the Mallein test for glanders, two or three times. This mule is now on Hawaii. The history of this will be forwarded to you when the rest of the evidence comes along. The fact that Norgaard allowed an animal that reacted to the Mallein test to be shipped to this, or any other Island is enough in my opinion for him to lose his position.

Another thing, they expect district foresters to work for nothing, giving them no assistance in any way, while the whole shooting match draws down fat salaries.

I was glad to see you turned down Hosmer's bill to allow persons to shoot in the reservation without a license. This was indeed an absurd measure.

Norgaard is going to ask for a large staff of Vets, at something like \$10,000.00 per year expense. There is no necessity for this expenditure of money, and I hope it will be turned down.

Yours sincerely,

J. MONSARRAT.

Die. J. M.

John T. Brown has pledged himself to me to help out any action that may be taken to straighten out this Board but even with his pledge, feel that he cannot be depended upon. If you take up this matter, you can expect opposition from the Advertiser, for Thurston is a Mahogany Co. man.

SENATE JOURNAL.

EXHIBIT "B"

WIRELESS TELEGRAPH COMPANY.

Honolulu Office, April 17, 1909.

Double Rush.

To: Monsarrat,

Kapapala,
Kau.

From:

Senator Woods,
Chairman.

Hearing before Senate Committee charges against Board of
Agriculture made by you. Your presence desired.

EXHIBIT "C"

WIRELESS TELEGRAPH COMPANY.

Honolulu Office, April 17, 1909.

Time Received 12

By whom Received DOC

Office of Origin: Kapapala.

To: Senator Woods,
Honolulu.

From: Monsarrat.

Message received. Impossible to go down. Write particulars.

EXHIBIT "D"

TERRITORY OF HAWAII

BOARD OF COMMISSIONERS OF
AGRICULTURE AND FORESTRY.

Division of Animal Industry.

Honolulu, Hawaii, March 29, 1909.

Senator Palmer P. Woods,
Honolulu, Hawaii.

Dear Sir:—In reply to your request for information in regard
to certain charges made against me as Territorial Veterinarian,
I beg to state as follows, taking the charges up separately as
contained in the copy supplied me by you:

Question 1. "Why Norgaard was given \$400.00 of Govern-
ment money last year with which to go on a vacation?"

Answer: The vacation referred to consisted in attending the 12th annual meeting of the Interstate Association of Live Stock Sanitary Boards, held at Washington, D. C., Sept. 10th to 15th inclusive, and the International Congress on Tuberculosis held at the same place Sept. 21st to Oct. 12th inclusive.

For particulars in regard to these two important meetings, at both of which I was the only representative from the Territory of Hawaii, I beg to refer you to my annual report for 1908 as contained in the annual report of the Board of Commissioners of Agriculture and Forestry, pp. 123-163. I shall only add, that my attending the International Tuberculosis Congress was first suggested by Dr. L. E. Cofer, then President of the Board of Health, who was at the time negotiating with the Board of Agriculture and Forestry for the purpose of having the latter assume the sanitary inspection and control of the dairies and dairy animals of Honolulu and vicinity—and who fully expected to attend the Congress himself. After Dr. Cofer's resignation the Board of Agriculture was requested by various live stock and dairy interests to send a representative to the Congress, as a result of which I was asked if I would accept the mission, the Board offering to assist me with the expenses to the extent of \$400.00, that is—approximately—the actual traveling expenses from Honolulu to Washington and return.

Question 2. "Why Norgaard is allowed an assistant, where there is not enough work to keep him busy?"

Answer: In reply to this question I would say that the various duties and offices imposed by law on the Territorial Veterinarian necessitates the employment of an assistant or deputy, without which the work would be limited to the port of Honolulu. The further fact that glanders has been very prevalent of late (five outbreaks in as many weeks) has necessitated the additional employment of a lay mounted live stock inspector, through whose efforts two more outbreaks have already been located, and various quarantined pastures in the Koolaupoko and Koolauloa districts of this island kept under surveillance.

Question 3. "Why Schuman's stock is allowed to be quarantined in his own corral instead of the government quarantine grounds?"

Answer: This question imputes the violation of Rule 8 of the Board of Agriculture and Forestry entitled "Quarantine of Horse Stock (Horses, Mules and Asses) Arriving From or Through the State of California." If, however, the party making the charges would have acquainted himself with the rule in question, he would have found that paragraph 4 reads as follows: "If the owner, consignee or importer so desires, and if he is able to provide premises, which in the opinion of the Ter-

ritorial Veterinarian or his deputy are suitable and convenient for the purpose, such horse stock shall be quarantined on the premises provided by the said owner, consignee or importer. Otherwise they shall be taken in charge by the Territorial Veterinarian or his deputy and quarantined on premises provided by this Board or by its officers."

This question, therefore, needs no further explanation.

Question 4. "Has Rule 6 (Inspection and Testing for Glanders) of the Board been broken within the past year, and if so, by whom and when, giving full particulars. * * * This rule has been broken and by Norgaard himself."

Answer: That portion of Rule 6 to which the above charges undoubtedly refer reads as follows: "In order to prevent the further introduction of glanders and farcy into this Territory, it is hereby ordered that:

"No horse stock (including mules and asses), shall be admitted to the Territory unless accompanied by a certificate of health showing that the animal or animals in question have been submitted to the mallein test and found to be free from glanders. Said test must be made and certificate issued by a veterinarian authorized by the United States Bureau of Animal Industry, and endorsed by the Bureau Inspector in Charge at the port of shipment."

The incident to which the party making this charge undoubtedly has reference consists of the following facts: Twenty-five head of mules purchased by Alexander & Baldwin of San Francisco for the Hawaiian Development Company of Hilo were presented to the Federal Inspector in San Francisco for the mallein test and were submitted to the same at Horan's stables, 10th and Bryant streets, San Francisco, on September 16th and 17th, 1908. Two of these mules gave irregular temperatures and, as my instruction to the Federal Inspector was, always to be on the safe side, and, knowing that I was in Washington at the time being, and would return to San Francisco on my way to Honolulu, he retained these two mules until my arrival, well knowing that in case the irregular temperature was due to an infection of glanders, the animals would develop the disease in the course of a week or two from the time of testing.

Upon my arrival in San Francisco, during the latter part of October, Dr. Baker, the Federal Inspector, took me to see these two mules, which had been kept isolated since the time of the test about six weeks previously.

The mules were found to be in first class condition and to exhibit no symptoms of glanders or any other disease. The Federal Inspector stated that it was no use retesting the mules in San Francisco, as they had not been in his personal care since

the first test, and that they might have been "doped" with mallein since then in order to fortify them against the new test. He suggested, however, that he would be willing to ship the mules to Hawaii and that a retest be made there. To refuse this on my part would have been an unnecessary and arbitrary ruling, imposing considerable loss and inconvenience on the part of the owners of the mules, especially in view of the fact that the animals were perfectly healthy, which fact fully demonstrated that the irregular temperature exhibited by them at the test six weeks previously was not due to any infection of glanders, but probably to a slight attack of shipping fever. The agents, that is Messrs. Alexander & Baldwin of San Francisco, were communicated with and were notified that the Federal Inspector was willing to ship these two mules, subject to a mallein test after arrival in the Territory, and with the understanding that in case the animals reacted to the test, they would be destroyed immediately, whether they exhibited physical symptoms of the disease or not. This was agreed to and the mules were subsequently shipped to Hilo on the S. S. Enterprise which left San Francisco on November 14th. Dr. Elliot, the Deputy Territorial Veterinarian at Hilo, had in the meantime been notified by me of the arrival of these two mules and given instructions to keep them in quarantine and to test them two weeks after their arrival. This was done; the mules did not react and are, at the present time, working on Hawaii.

In this connection it might be well to add that the mallein test is not considered infallible, there being various conditions which will cause a reaction, besides glanders. The test is, however, the only means we know of, whereby glanders can be diagnosed before an animal exhibits actual symptoms of the disease, and it is accepted the world over as a valuable diagnostic remedy as it rarely fails except on the safe side.

Previous to the case here recorded a shipment of 36 horses arrived here from San Francisco September 9th on board the S. S. Alaskan and consigned to the Union Feed Company of Honolulu. The consignment was accompanied by mallein test certificates from the Federal Inspector in San Francisco for only 35 horses. The party accompanying the shipment, when charged with these facts, prided himself on having been able to hoodwink the inspectors in San Francisco in getting the 36 animals on board without it being discovered that there was one more than the number tested. The Board took the matter up with the Attorney General for the purpose of prosecuting the party in question, but was advised to leave it alone, owing to a flaw in the regulations of the Board, which made conviction more than doubtful. A bill is now being prepared remedying the de-

fect in question and will be presented to the present Legislature.

Question 5. "I know of a case where Norgaard allowed a certain plantation agent to take a mule of Schuman's that had reacted to the mallein test for glanders two or three times. This mule is now on Hawaii." * * * "The fact that Norgaard allowed an animal that reacted to the mallein test to be shipped to this or any other island is enough, in my opinion, for him to lose his position."

Answer: I do not remember to which animal the party making the charges has reference, but I take it for granted that as long as the animal in question is now on Hawaii and that no charges are made of it suffering from glanders, I must have been satisfied that the animal was not suffering from or infected with this disease when I allowed it to be shipped. When further particulars as to the identity of this case have been submitted by the party making these charges I expect to be able to give fuller information on the subject and will, therefore, confine myself here to reiterating the fact, that a mule which reacts to the mallein test is not necessarily affected with glanders and that a mule affected with glanders will practically always react to the mallein test and develop the acute form of glanders within a short period after having reacted.

Question 6. "Norgaard is going to ask for a large staff of vets at something like \$10,000 per year. There is no necessity for this expenditure of money and I hope it will be turned down."

Answer: In my estimates of appropriation for the Division of Animal Industry for the next biennial period, I asked for a subsidy of \$100 per month each for four deputy territorial veterinarians, to be stationed, two on Hawaii, one on Maui and one on Kauai. This item was stricken from the estimates by the Governor before the same were submitted to the Legislature. The total amount asked for was, therefore, \$4,800 per annum and not \$10,000. I would further state that I have succeeded in having two deputy territorial veterinarians appointed by the Board of Agriculture and Forestry, one on Hawaii and one on Maui, and that I have obtained the requisite salary of \$100 per month for each of them through private sources. I have further succeeded in getting a veterinarian to locate on the island of Kauai, hoping to be able in time to obtain for him financial assistance like that enjoyed by the two other deputies.

This system of having deputy territorial veterinarians on each of the other islands is, in my opinion, imperative for the safeguarding of the interests of the live stock breeders and owners of the Territory. Besides this it gives the islands outside of

Oahu the same privileges as regards the importation of live stock, and the speedy control of infectious and contagious diseases among live stock, as those enjoyed by the Island of Oahu, and the subsidy of \$100 per month for official duties performed by these veterinarians should, therefore, in my opinion, be paid out of the Territorial Treasury and not as at the present time collected from private sources.

Very respectfully,

VICTOR A. NORGAARD,
Territorial Veterinarian.

EXHIBIT "E"

TERRITORY OF HAWAII
BOARD OF COMMISSIONERS OF
AGRICULTURE AND FORESTRY.

Division of Forestry.

Honolulu, T. IL., April 22, 1909.

Honorable Palmer P. Woods,
Chairman, Special Committee to Investigate the
Board of Agriculture and Forestry,
Territorial Senate,
Honolulu, Hawaii.

Sir:—In reply to the criticisms of this Division contained in a letter from an unnamed correspondent of yours, of portions of which you have permitted me to see a copy, it gives me pleasure to make the following statement:

1.—“Why so much of Hosmer's time is given the Mahogany Company and none of their propositions to stump land are turned down?”

There are two main classes of forest land in the Territory, the water-bearing forests and the commercial forests. The most important product of the water-bearing forests is water. Consequently that class should be so managed as to yield the largest possible quantity of water, delivered in as even flow as may be. To obtain this result it is necessary, in most cases, that the forest cover on the streams that are, or that may be used for irrigation, power development and other economic uses be kept strictly intact. Because the forest can be made to serve its purpose better if it is under systematic management, forest reserves are created.

The main value of the second main class—the commercial forest—is that it is a source of wood and timber. The forests that are classed as commercial forests are portions of the forests in the districts of Puna, Kona and parts of Kau on the Island of Hawaii. In these sections there are no running streams and only a few permanent springs. Consequently the forest as a whole is not needed as a watershed cover. Its value lies in its commercial utilization. Believing that each class of forest should be put to the use to which it is best adapted it is the policy of the Territorial Government to manage the commercial forest so that it shall yield wood and timber, just as it is the policy to manage the water-bearing forest so that it shall yield water.

To obtain the wood and timber it is necessary that the forests be lumbered. It follows that when in the judgment of the Government the right time comes for selling the wood from its forest lands of the commercial forest class, the Government will sell the rights to lumber those lands. Only, and here is where the practice of forestry comes in, it will be provided that the lumbering operations are so carried on that provision shall be made for other crops in later years.

The Hawaiian Mahogany Lumber Company is the only large buyer now in the field. That company has made application to the Government for logging rights in government forest land of the commercial class. The sale of timber on the government forest lands in Puna would return to the Government a considerable sum of money. The wood is a valuable asset that should be realized upon when the right time comes. To be thoroughly familiar with the conditions on the ground so as to be ready to make specific recommendations as to what the Government had best do in the matter, it is necessary that the Superintendent of Forestry should visit the lands and see the character of the work done by the Lumber Company in its operations on privately owned tracts adjoining the Government's holdings. The forests of Puna are dense and until recently have been practically unexplored. It takes time even to cut trails sufficient to get a general knowledge of the section. Consequently more than one visit has been necessary to obtain the information desired, and it is more than likely that other visits will be necessary in the future, before any definite arrangement as to selling the stumpage rights is actually made.

For a further statement of the general policy of the Territorial Government in regard to the utilization of forest of the commercial class, reference is made to the Report of the Board of Commissioners of Agriculture and Forestry for 1908, pages 31-34.

2.—“Why the Koa and Ohia trees on government land are pulled up by the roots . . . Is it not less expensive to pull than to cut down trees?”

Up to the present time no logging rights of any kind have been sold on government land, on the Island of Hawaii. The Hawaiian Mahogany Lumber Company began its operations on a portion of the Bishop Estate land of Keauhou, near the Volcano House. Later the Company cut Ohia on homestead lots belonging to several individuals on the McKenzie tract, better known as the “Peter Lee lots”. It is now operating on lands in Puna belonging to the Catholic Mission and under a long lease to the Puna Sugar Company, now a department of the Olaa Sugar Company. The Company has also cut Ohia trees on certain lots in the Kaohe homesteads in Puna but only on those of which the title has passed from the government to individuals.

It is true that application has been made for the timber on the Kaohe lots that still vest in the government, as well as for the large tract of government forest land adjoining, but so far no agreement has been arrived at and no rights have been obtained by the company.

The question of whether it is best to cut or to pull trees, depends on several factors. With Koa, provided the tree is sound, the most valuable part of the log is at the base of the trunk, the crown of the roots. Consequently, a method that can get the stump out of the ground in such shape that it can be more easily handled and got to market, is desirable. With Ohia opinions differ as to what is the best usage. The private lands in Puna now being lumbered are to put into sugar cane after the lumbering is completed. For this reason the Sugar Company desires that the stumps be loosened so that they may more easily be removed. Were the land to be cultivated in cane by homesteaders stumps would be no particular objection. When the land is to be managed by a large concern, on a bigger scale, it is more advisable to have them taken out to begin with. So far as cost goes the Lumber Company is doing its best to get the provision changed that now obliges them to pull the stumps on these lands, claiming that pulling adds materially to the cost of logging. In the matter of reproduction, while both Koa and Ohia sprout from the roots the natural method of propagation, with both species is by seed.

3.—“Why Hosmer never visits the reservations he has already made and is favoring more?”

The policy of the Board of Agriculture and Forestry in regard to the creation of forest reserves has already been briefly stated in this letter. It is that the Hawaiian forests can be made of

the greatest service to man by being systematically cared for. The creation of forest reserves is a step in this direction. Before the reserves can be made to do their full duty they must be better protected than at present from cattle, goats and fire, and in places the forest cover must be replaced.

To obtain the best results from the forests of the Territory as a whole requires the extension of the forest reserve system. Sixteen forest reserves have now been set apart. This number must be increased so that other important forest areas may also be protected. An important part of the duty of the Superintendent of Forestry is to fix the boundaries of new reserves and to get them set apart. The official proclamation does not in itself make a reserve effective but it is an essential step in the process of getting the forests under systematic control. At present there is no forest range organization. Consequently regular trips of inspection have not been required to reserves already set apart, but were your correspondent in closer touch with the work of this Division he would find that the Superintendent of Forestry keeps well informed as to the forest conditions on the several islands. With a staff of only two men of forest training it is impossible to do at once all that waits to be done. The most important things have to be tackled first, and the completion of the forest reserve system is felt to be one of the important things.

4.—“Why so few of the district foresters make annual reports and why they are unpaid?”

The position of District Forester was created in order to have in each district of the Territory some person who should keep a general oversight on forest affairs, bring to the attention of the Territorial forest officers any facts of special forest interest and exercise a measure of supervision over the forest ranger whom it was then expected would at once be appointed. It was distinctly understood from the start that this position was undertaken as a sort of public duty, without salary, in the effort to help on a movement that would result in general benefit. The various gentlemen who hold the position of District Forester, mainly plantation and ranch managers, took it under these terms and have given much valuable assistance to the regular forest officials of the Territory in many ways.

In practice the plan of having District Foresters has worked out somewhat differently from what was anticipated. In the absence of forest rangers there has not been so much for them to do as was perhaps expected. But many of the District Foresters have been active in keeping up interest in forest matters in their respective districts, especially in the way of tree planting.

Each year in the annual report of the Division of Forestry

opportunity is given the district foresters to note any happening of special forest interest that has occurred during the year or to make suggestions as to forest work that needs to be done.

If the different annual reports for the last five years are compared it will be seen that much valuable data has been secured in this way and further, that in different years different men have reported.

It goes without saying that more can and should be expected from a paid official than from one who volunteers from a sense of public duty to assist as he can. But taken by and large, and in view of the wide-spread interest now taken in forestry and conservation throughout the Territory, it can hardly be claimed that interest has fallen off to any marked degree.

5.—In regard to your correspondent's objection as to the number of clerical assistants, I need only speak for the Division of Forestry.

As I point out in my annual report for 1908, page 34, when so large a proportion of the forest land in the Territory is and will remain in private ownership, the Government is justified in spending considerable effort in inducing private owners to practice forestry. For the influence of a private forest reserve, or of a thrifty grove of planted trees does not stop with the owner. It is of benefit to all the people of the Territory.

To bring home the importance of forestry and to make clear the underlying principles requires that more or less work be done that is educational in character. It is for this reason that reports are written and speeches made. But work cannot be done without tools and literary efforts require clerical assistance.

Besides this, the Division of Forestry furnishes much information by letter in regard to tree planting and other germane matters to persons away from Honolulu. The results of this work justify the money spent in carrying it on.

If there are other points on which you desire information I shall be glad to give it. It is the desire of the Board that the work of its several divisions be widely known. The purpose of this bureau is to be of service to the people: this ideal can best be served by the dissemination of a correct knowledge of what its work is.

Very respectfully,

RALPH S. HOSMER,
Superintendent of Forestry

Upon motion of Senator Chillingworth, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Coelho offered the following Resolution (No. 64) relating to extra compensation to be paid to the Clerk and Assistant Clerk of the Senate:

.. RESOLUTION.

WHEREAS, the Clerk and Assistant Clerk of the Senate, have been at all times during the present session of the Legislature attentive to their duties and often performed services for which they have made no charges, therefore,

RESOLVED, that the sum of \$200.00 of the appropriation for the expenses of the Regular Session of the Senate of the Legislature of 1909 be paid to each of the following named officers of the Senate as additional remuneration to what they are now being paid as full consideration for the extra services heretofore performed by them for which they made no charges or requests for payment, namely:

William Savidge, Esq., Clerk.....	\$140.00
Geo. K. Lowe, Esq., Asst. Clerk	60.00
	<hr/>
	\$200.00

W. J. COELHO,
Senator, 2nd District.

Senator Coelho moved that the Resolution be adopted. Seconded by Senator Chillingworth and carried.

Senator Kalama presented the Report (No. 16) of the Select Committee of Maui Senators on House Bill No. 189, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 23, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee, consisting of the Members from the Island of Maui, to whom was referred House Bill No. 189 entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof,' " begs leave to report that it has had the same under careful consideration.

Your Committee would recommend that Section 1 of the Bill be amended to read as follows:

"Section 1. Section 28 of Act 39 of the Session Laws of 1905 is hereby amended by striking out the figures '\$1,200' after the words 'County Clerk of the County of Maui' in line 11 thereof, and by inserting in their place the figures '\$1,500.00'; by striking out the figures '\$1,500.00' after the words 'Auditor of the County of Maui' in line 15 thereof, and by inserting in their place the figures '\$1,800.00'; by striking out the figures '\$1,800.00' after the words 'County Attorney of the County of Maui' in line 27 thereof, and by inserting in their place the figures '\$2,100.00'; and by striking out the figures '\$1,500.00' after the words 'Treasurer of the County of Maui' in line 31 thereof, and by inserting in their place the figures '\$1,800.00.' "

With the above amendment, your Committee recommends the passage of the Bill.

Respectfully submitted,

S. E. KALAMA,

Chairman;

W. T. ROBINSON.

I concur in the amendments with the exception of striking out the item "Member Board of Supervisors, \$900.00."

W. J. COELHO.

Senator McCarthy moved to adopt the Report of the Majority of the Committee. Seconded by Senator Fairchild and carried, on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Quinn—1.

The Senate proceeded with the Order of the Day.

Third Reading of Senate Bill No. 149, entitled "An Act to Authorize the Treasurer of the Territory to Pay to the Treasurers of the Several Counties Special Road Fund Deposits."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Harvey and Quinn—2.

Third Reading of House Bill No. 64, entitled "An Act to Amend Sections 1, 5, 12 and 25 of Act 102 of the Laws of 1905, Relating to the Inheritance Tax."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 196, entitled "An Act to Amend Section 390B of the Revised Laws as Enacted by Act 82 of the Session Laws of 1905."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Robinson, Woods and Mr. President—12.

Noes: Senators Coelho and Makekau—2.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 200, entitled "An Act Giving Warehousemen a Lien for Storage and Authorizing its Enforcement by Sale."

Upon motion of Senator Coelho, seconded by Senator Harvey, action on the Bill was deferred.

Third Reading of House Bill No. 216, entitled "An Act to Amend Section 3 of Act 42 of the Session Laws of 1903, Relating to Public Loans."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Coelho and Quinn—2.

At 10:58 o'clock Senator Makekau moved to take a recess subject to the call of the Chair. Seconded by Senator Brown and carried.

At 11:15 o'clock the Senate reconvened.

Third Reading of House Bill No. 218, entitled "An Act to Amend Section 1068 of the Revised Laws as Amended by Act 48 of the Session Laws of 1905."

Senator Fairchild moved to amend the fourth paragraph to read as follows: "And further provided that nothing herein contained shall apply to so-called Christian Scientists so long as they merely practice the religious tenets of their church

without pretending a knowledge of medicine or surgery; provided that the laws and regulations relating to contagious diseases are not violated." Seconded by Senator Coelho and carried.

The Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: Senator Chillingworth—1.

Not Present: Senator Quinn—1.

Third Reading of House Bill No. 226, entitled "An Act to Amend Section 1235 of the Revised Laws Relating to Failure to Return Property for Taxation."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Chillingworth, Coelho, Fairchild, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—11.

Noes: Senators Baker, Brown and Harvey—3.

Not Present: Senator Quinn—1.

Senator Kalama presented the Report (No. 278) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on Senate Concurrent Resolution No. 8 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 22, 1909.

Honorable W. O. Smith,

President of the Senate.

Honolulu.

Sir:—Your Committee on Public Lands and Internal Improvements to which Senate Concurrent Resolution No. 8, relating to Memorializing Congress to enact a Special Homestead Law for the Territory of Hawaii, offered by Senator C. J. McCarthy on April 10, 1909, was referred, begs leave to report that it has given it due and careful consideration.

The object of the Resolution is plain on its face, in that it seeks to memorialize Congress to give this Territory a special Homestead Law, or, in other words, special Land Laws. Under the present Land Laws of Hawaii, four different methods are provided for the acquiring of homesteads from the public domain and which citizens of the United States may enjoy. They are as follows:

- (a) Homestead Lease or the Nine Hundred and Ninety-nine Year Lease;
- (b) Right of Purchase Lease;
- (c) Cash Freehold; and
- (d) Settlement Association.

Criticism has been made by many in regard to the above system, and to quote the recommendation of the Land Advisory Commission, in its report on page 5, says: "That the method of sale under Right of Purchase Lease and Cash Freehold be utilized to only a very limited extent, and then only under conditions where its provisions can not be abused." And then referring to the Settlement Association provision, it said: "This has not fulfilled its purpose, but has been the method by which the greatest abuses have been practiced."

In the second preamble of the Resolution, it is there stated that the Homestead Lease is obnoxious to every American citizen and resented by Hawaiians who are entitled to equal rights with all other citizens. That may be as far as American citizens are concerned, but why should Hawaiians resent it? In your Committee's opinion, Hawaiians of some intelligence should resent it, but the majority of the Hawaiian people should welcome such a method of acquiring land, it being the easiest, safest and cheapest to them generally. Lands so acquired will be theirs and their posterity for, say, one thousand years, a sure home to them for all time and which is not subject to assignment, attachment, levy or sale upon execution and is entirely free from any process in bankruptcy or otherwise. Your Committee is very optimistic in this regard and undertakes to speak for those Hawaiians who are not as intelligent (this is used advisedly) and are incapable of maintaining themselves sufficiently up to the present day standard, that this method should be made more of by the Government than is the case at present, particularly in the outer island localities and that sufficient interest should be shown by their would-be leaders and friends to urge this system upon them.

Still there is yet one other method not mentioned by the Resolution, which is of the policy recently enunciated by the Governor of this Territory and known as the Special Agreement of Sale, under Section 276, Part 4, of our present Land Laws (Revised Laws of Hawaii). The first sale under this system occurred during the early part of last November and is claimed to have been very successful in so far as the Government was concerned, the sale in question being the first of the present Administration of Territorial affairs, many others having followed in its wake with others yet to follow. Whatever may be said against it, it is yet to be proven that it is inefficient, but so far as at present known, the system has been found to be

very liberal in its terms and provisions, and is the most advantageous, as far as made known to your Committee, to the man of small means to acquire a homestead, upon which he may till and, if need be, earn a livelihood for himself and family and otherwise maintain his home. Your Committee is informed that it is yet the best method advanced of any on our statutes and would suggest that it be made more of by the Government.

Realizing that all the statutory provisions of law relating to the disposition of the public lands in this Territory for homestead purposes, together with the upbuilding of a citizen class of home owners, are such that with the limited number of days remaining of the present session and together with the questions involved therein, your Committee deems it proper that this matter be discussed in Committee of the Whole and so recommends.

Respectfully submitted,

S. E. KALAMA,
Chairman;
ERIC A. KNUDSEN,
PALMER P. WOODS.

Upon motion of Senator McCarthy, seconded by Senator Chillingworth, the Report of the Committee was laid on the table to be considered with the Resolution at 2 o'clock this afternoon.

Third Reading of House Bill No. 230, entitled "An Act to Amend Section 121 of Act 118 of the Session Laws of 1907, entitled 'An Act Incorporating the City and County of Honolulu'."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Makekau and Quinn—2.

Second Reading of Senate Bill No. 150 entitled "An Act Making Additional Appropriation for Current Expenses for the Biennial Period Ending June 30, 1911."

Upon motion of Senator Coelho, seconded by Senator Chillingworth, the Bill passed Second Reading.

Second Reading of House Bill No. 225, entitled "An Act to Amend Section 1266 of the Revised Laws as Amended, Relating to Tax Liens."

The President here called the Vice-President to the Chair.

Senator Makekau moved that the Bill be referred to the Committee on Enrollment, Revision and Printing. Seconded by Senator Harvey.

Senator Smith moved that the Bill be Indefinitely Postponed. Seconded by Senator Makekau.

The motion to Indefinitely Postpone was withdrawn and the motion to refer to the Committee on Enrollment, Revision and Printing, being put, carried.

At 12 o'clock Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Makekau and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 280) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 191, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 23, 1909

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 191.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Senate proceeded with the consideration of House Bill No. 200, entitled "An Act Giving Warehousemen a Lien for Storage and Authorizing its Enforcement by Sale," on Third Reading.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—9.

Noes: Senators Baker, Coelho and Harvey—3.

Not Present: Senators Chillingworth, Fairchild and Quinn
—3.

Senator Knudsen presented the Report (No. 9) of the Special Joint Conference Committee on House Bill No. 205 as follows:

Hon. Wm. O. Smith,
President of the Senate;

Hon. H. L. Holstein,
Speaker of the House of Representatives.

Gentlemen:—Your Joint Conference Committee, to whom was referred House Bill No. 205, entitled “An Act to Provide for the Payment of the Expenses of the Several District Courts,” begs leave to report as follows:

The items in dispute were these:

(1) District Magistrate, Wailuku:

Passed in the House at \$100.00, in the Senate at \$125.00

(2) District Magistrate, Hamakua:

Passed in the House at \$90.00, passed in the Senate at \$100.00.

(3) District Magistrate, Puna:

Passed in the House at \$45.00, passed in the Senate at \$60.00.

(4) Clerk and Interpreter:

District Court, South Hilo, \$100.00.

Passed by the House and stricken out by the Senate.

Your Committee has adjusted the difficulties as follows:

(1) Senate yield to the House and pass the item as in the House Bill.

(2) House yield to the Senate and the item pass as in the Senate.

(3) House yield to the Senate and item pass as in the Senate.

(4) Senate yield to the House and the item pass as in the House Bill.

Respectfully Submitted,

ERIC A. KNUDSEN,
Chairman.

R. H. MAKEKAU,
CHAS. F. CHILLINGWORTH,
G. F. AFFONSO,
M. P. WAIWAIIOLE,
E. A. C. LONG.

Upon motion of Senator Makekau, seconded by Senator Knudsen, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Kalama, Knudsen, Makekau, McCarthy, Moore, Woods and Mr. President—10.

Noes: Senator Robinson—1.

Not Present: Senators Coelho, Fairchild, Harvey and Quinn—4.

A Communication (No. 281) from the House of Representatives, transmitting House Bill No. 232, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 232, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 232, entitled "An Act to Amend Section 1136 of the Revised Laws Relating to the Carrying of Persons suffering from Contagious or Infectious Diseases or Leprosy in Steam Coasting Vessels."

The Bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Coelho, passed First Reading.

At 2:14 o'clock the Senate resolved itself into Committee of the Whole for the consideration of Senate Concurrent Resolution No. 8, Senator Makekau in the Chair.

At 3:07 o'clock the Senate came to order, Senator Makekau, for the Committee of the Whole, reporting, recommending that the Resolution be laid on the table to be considered with Resolution on the land subject coming to the Senate from the House of Representatives.

Upon motion of Senator Harvey, seconded by Senator Coelho, the Report of the Committee was adopted.

Senator Fairchild for the Committee on Ways and Means reported verbally on Senate Bill No. 15, recommending that the Bill be laid on the table.

Upon motion of Senator Coelho, seconded by Senator Fairchild, Senate Bill No. 15 was laid on the table.

Senator Fairchild offered the following Resolution (No. 65) relating to the Appointment of a Holdover Committee on Ways and Means:

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii; That a Committee of three be appointed by the President of the Senate from among the Senators whose terms of office do not expire until the year A. D. 1912, such Committee to be known and styled "The Senate Hold-Over Committee on Ways and Means," which Committee shall prepare and submit to the Senate of the Session of 1911 such data and information as may be necessary regarding the financial condition of the Territory as will properly and intelligently guide the Members of the Senate of said Session of 1911 in their deliberations affecting the financial condition of the Territory, the revenues of the Territory, the division of revenue between the Territory and the Counties and the expenditure of appropriations for the use and maintenance of the Territory and of the Counties;

AND BE IT FURTHER RESOLVED that such Committee be, and they are hereby authorized, to incur such expenses, not to exceed the sum of Twelve Hundred Dollars (\$1200.00), as may be necessary for carrying out the objects and purposes of this Resolution, such expenses to be a charge against and payable out of the Appropriation for the Expenses of the Legislature of the Session of 1911.

GEO. H. FAIRCHILD,
Senator, Fourth District.

Senate Chamber, April 23, A. D. 1909.

Upon motion of Senator Fairchild, seconded by Senator Chillingworth, the Resolution was referred to the Committee on Judiciary.

Senator Chillingworth gave notice of intention to introduce a Bill entitled "An Act to Provide for the Reclamation of Lands by Special Assessments against the Lands to be Reclaimed and other Lands to be benefited by such Reclamation and Appropriating the Proceeds for such Purpose."

Under suspension of the Rules, Senator Chillingworth introduced a Bill (S. B. No. 151) entitled "An Act to Provide for the Reclamation of Lands by Special Assessment against the Lands to be Reclaimed and other Lands benefited by such Reclamation, and Appropriating the Proceeds for such Purpose."

The Bill was read by title and, upon motion of Senator Chillingworth, seconded by Senator Fairchild, passed First Reading.

Senator Fairchild gave notice of intention to introduce a Bill entitled "An Act Making an Additional Appropriation for the Use of the Second Circuit Court for the Biennial Period Ending June 30, 1909."

Under suspension of the rules, Senator Fairchild introduced a Bill (S. B. No. 152) entitled "An Act Making an Additional Appropriation for the Use of the Second Circuit Court for the Biennial Period Ending the 30th day of June, 1909."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Harvey, passed First Reading.

A Communication (No. 62) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 106, 107, 108, 109, 110, 111 and 112 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., April 23, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I have the honor to notify your Honorable Body that the Governor has this day, April 23, 1909, signed the following Bills:

Senate Bill No. 143, Act 106, entitled "An Act Making an Additional Appropriation for the Department of Public Lands for the Biennial Period Ending June 30, 1909;"

House Bill No. 209, Act 107, entitled "An Act to Amend Section 1320 of the Revised Laws in Relation to Stamp Duties;"

House Bill No. 202, Act 108, entitled "An Act to Provide for the Care, Custody, Control and Payment of Five Thousand Seven Hundred and Seventy-five and 18/100 Dollars (\$5,775.18). Being the Money now in the Possession of the Treasurer of the Territory and Designated or Known as the Special Gold Certifi-

cate Deposit, Special Silver Certificate Deposit and Special Postal Money Order Deposit;"

House Bill No. 201, Act 109, entitled "An Act to Amend Section 1728 of the Revised Laws of Hawaii, Relating to Proof and Entry of Defaults Against Defendants in Civil Actions;"

Senate Bill No. 123, Act 110, entitled "An Act Making Special Appropriations for Public Improvements;"

Senate Bill No. 140, Act 111, entitled "An Act to Provide for the Reimbursement of the Territory for the Cost of the Kula Pipe Line;"

Senate Bill No. 125, Act 112, entitled "An Act to Amend Section 553 of the Revised Laws Relating to the Honolulu Water Works."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 282) from the House of Representatives, informing the Senate of its adoption of the Report of the Special Joint Conference Committee on House Bill No. 205, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the Report of the Special Joint Conference Committee on House Bill No. 205, was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 283) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 216, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 216.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 284) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 230, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 230.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 88) from Marston Campbell, submitting the Report of the Waikiki Reclamation Commission, was read by the Clerk as follows:

WAIKIKI RECLAMATION COMMISSION.

Honolulu, April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

The Waikiki Reclamation Commission appointed by the Governor of Hawaii in conformity with Joint Resolution No. 2 of the Legislature of the Session of 1907, has the honor to submit, herewith, its Report, as follows:

The Revised Laws of the Territory of Hawaii, Sections 1025 to 1034 inclusive, provide certain means whereby insanitary conditions and swamp lands may be reclaimed and rendered sanitary within the District of Honolulu, Island of Oahu. However, under the above provisions, after the Board of Health of the Territory has declared such swamp lands to be deleterious to public health, the Superintendent of Public Works may direct the owner of such property to properly fill and drain same and place it in sanitary condition. On failure of the property owner to comply with such notice, the Superintendent of Public Works may perform such work, and recover the cost of same from the property owner by suit in a court of competent jurisdiction.

To comply with the provisions of Chapter 83, Section 1025 to 1034 inclusive, would require an appropriation by the Territorial Legislature to enable the Superintendent of Public Works to reclaim and drain such lands as the owners may refuse to place in proper sanitary condition. Without such appropriation, this law is practically a dead letter and cannot be enforced.

The Waikiki Reclamation Commission, after careful consideration of the present laws on the statute books, is of the opinion that the reclamation of the Waikiki district should not be undertaken by the Territory, but should be carried on by the City and County of Honolulu, under a special Act of the Legislature, empowering the said City and County to create reclamation districts and to assess the cost of the reclamation against the district benefited by and through such reclamation.

We have therefore prepared and submit herewith to your Honorable Body, an Act entitled "An Act to Provide for the Reclamation of Lands by Special Assessments against the Lands

to be reclaimed and other lands to be benefited by such Reclamation, and appropriating the Proceeds for such purpose," giving the necessary powers to the Boards of Supervisors for the reclamation of districts which may be declared or are a menace to the health of the community.

RECLAMATION DISTRICT.

The reclamation district should not alone comprise what is known as the Waikiki district, but should include all of that area bounded by Kapiolani Park, South Street, King Street and the sea. This district is several thousand acres in extent and would be too large to bring within one reclamation district, and we suggest that it be divided into several districts.

Before any reclamation work can be undertaken, however, a complete system of roads must be laid out, which should take into consideration the problems of proper drainage. The main drainage streams flowing from the higher lands should be taken through proper conduits or channels direct to the sea. This would include all streams from the Manoa Valley to the Ward Avenue street drainage system already constructed. Therefore, these lands which this reclamation will prevent from being overflowed, as in the past, should bear a part of the cost of this reclamation.

One of the causes of the insanitary conditions of the lands in the low lying district described is due to the fact that all of the drainage from the higher levels of the city is discharged upon these flats, and the streams meandering hither and thither leave, after freshets have passed, pools which soon become stagnant and offensive, and hot beds for mosquito propagation.

As the population on the higher levels of the city increases, the condition of these lower levels will necessarily grow worse. There is nothing more directly related to the question of the public health and comfort of the residents of the city of Honolulu and outlying districts than the reclamation of these swamps.

With the increase in shipping and travel between these islands and mainland and South American ports, after the completion of the Panama Canal, we must recognize the fact that the Territory of Hawaii will be placed in the position of a Health buffer pure and simple for the Pacific coast. Time and again, attention has been called to the possible introduction to these Islands from Panama, after the opening of the Canal, of the inoculated mosquito which is known to distribute "Yellow Fever." We already have that mosquito, but it has not as yet been inoculated. The Waikiki swamps, unless reclaimed, will offer splendid opportunity for the breeding of this mosquito,

and under present conditions, it would require a large force of men and expensive materials to prevent same.

Your Commission has felt that its main duty was not to go into the engineering features of the problem, but to present to your Honorable Body, the necessary scheme or plan for financing and carrying on this reclamation work. While the condition of these swamps affects the entire City and County of Honolulu, the work is of such magnitude and cost that it could not properly be borne by the issuance of bonds either by the Territory or the City and County of Honolulu, or by direct taxation.

Problems of this character have been solved in Mainland communities through the method suggested in the Act presented herewith. Neither the Territory nor the City and County of Honolulu through taxation or the issuance of bonds could afford to carry on and complete this work. It therefore becomes the obligation of the property to carry the burden of its improvement. This method of improvement is a new one in this Territory, as far as statutory laws are concerned. The property owners, however, have in certain districts of Honolulu, borne the burden of reclamation, especially within the district lying between Alakea street, South street, Queen street and the Waterfront.

The property owners have, of necessity, due to the increase in value of lands within this district, been compelled to fill and reclaim them, the Territory, however, having constructed the necessary drainage ditches and storm sewers at its expense.

One has only to look at the district mentioned above, today, to remember what it was ten years ago, and appreciate what reclamation has meant to the City of Honolulu.

The scheme of creating reclamation districts gives the owners of property and those benefited an opportunity through the issuance of bonds against the property, the right to distribute at a low rate of interest, the cost of reclamation over a long period of years. It must be remembered, however, under this scheme of formation of reclamation districts, that not alone the lands to be reclaimed shall bear the burden of the cost, but also the lands benefited by such reclamation. Necessarily, certain portions of the higher lands, the drainage from which flows into these lower lands, must bear a portion of the cost in relation to the benefits derived. This work, if carried out to completion, under a general bond issue, would create a bonded indebtedness almost equal to the present bonded indebtedness of the Territory of Hawaii.

In this reclamation scheme, there are presented certain important questions: There are lands in the Waikiki District which are producing a revenue varying from \$10.00 to \$30.00 per acre, per year, which will, through reclamation, be valueless

for any agricultural purposes, such as are now being conducted on these lands which will become town property; while it will create, in certain localities, desirable residence property which, added to the several thousand town lots and the many unoccupied lots within the city of Honolulu that may be utilized for town lots, would require an increase of from 50 to 60 per cent. above the present population of Honolulu.

The reclamation, so far as the filling of the swamp lands is concerned, can be gradual. The drainage work of the entire district, however, must be accomplished within the shortest time possible so as to relieve the present ponds and springs.

Portions of the swamp lands lying between King street and Kalakaua Avenue are deriving their waters not alone from streams but also from large springs. In taking these springs and streams direct to the sea through conduits or masonry channels, grade would be gained, with a consequent lowering in the water level of the swamp lands.

Investigations have been made which show that large areas in this country are apparently affected by the rise and fall of tide, but it has been proven that very little or any of the polluted storm water reaches the sea, there simply being a slight subsidence with the falling tide, a large portion of which, however, is carried back by the incoming tide. Consequently very little or none of the pollution from the duck ranches and other sources reaches the sea. Float experiments have demonstrated this fact beyond the shadow of a doubt.

If the Legislature, in its wisdom, sees fit to make the Act presented by the Commission, law, all machinery necessary to carry out this important work is provided, so that the City and County of Honolulu can immediately cause the necessary surveys to be made and to institute proceedings for the acquirement of reclamation districts.

The Commission has not seen fit or deemed it necessary to go into detail regarding the insanitary conditions of Waikiki district as these have been most fully covered in various reports made by the Territorial Board of Health and its inspectors, and the community is well acquainted with the conditions there existing.

This Commission has given careful consideration to the plan and scheme of reclamation as presented by Mr. L. E. Pinkham, and while agreeing on many points, does not favor the proposed lagoon, which would practically be a tidal estuary and of no particular value in the drainage scheme for this district. The suggested lagoon proposition was primarily, as this Commission understands it, to secure a large proportion of the material necessary for reclamation. Investigations made sometime since by one of the members of this Commission has developed

the fact that there is ample material between the Beach Eoad and the reef and from old Waikiki to the Sewer Pumping Station for the reclamation of this district. The removal of this material from the location as suggested above, would also add not alone to the beauties of the city, but would remove the unsightly and rapidly growing low lying flats exposed during low tide, thereby creating within the reef, a large body of smooth water convenient for boating and other aquatic sports, thus adding considerably to the eventual park scheme for the City of Honolulu.

Respectfully submitted,

MARSTON CAMPBELL,
Chairman.

EDW. DAVIS,
W. W. NORTH,
Waikiki Reclamation Commission.

The Communication was ordered referred to the Committee on Enrollment, Revision and Printing.

Senator Robinson gave notice of intention to introduce a Bill entitled "An Act to Amend Section 2569 of the Revised Laws of Hawaii, Relating to the Dissolution of Corporations."

Under suspension of the Rules, Senator Robinson introduced a Bill (S. B. No. 153) entitled "An Act to Amend Section 2569 of the Revised Laws of Hawaii, Relating to the Dissolution of Corporations."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Robinson, passed First Reading.

Senator Fairchild for the Committee on Ways and Means reported verbally on House Bill No. 224, recommending its passage.

Second Reading of House Bill No. 224, entitled "An Act Relating to the Taxation of Insurance Companies, Amending Section 2621 of the Revised Laws of Hawaii."

Senator Fairchild moved that the Bill pass Second Reading. Seconded by Senator Baker and carried.

At 3:49 o'clock, upon motion of Senator Coelho, seconded by Senator Brown, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-SEVENTH DAY.

Saturday, April 24th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Brown and Fairchild absent.

The Journal of the Fifty-Sixth Day was read and, upon motion of Senator Robinson, seconded by Senator Brown, approved as read.

A Communication (No. 285) from the House of Representatives, transmitting House Concurrent Resolution No. 21, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T.H., April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 21, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII, that the Congress of the United States be importuned and urged to so amend an Act of the Congress of the United States, entitled: "An Act to Provide a Government for the Territory of Hawaii," approved April Thirtieth, nineteen hundred, that the same shall and may more efficiently and effectively comply with the desires and satisfy the present needs and requirements of said Territory and its inhabitants, and more nearly conform to existing conditions therein, and aid the development thereof along traditional American lines, and to that end that the Congress of the United States be earnestly urged to enact a bill

amendatory thereof, substantially in the following words and figures:

A BILL

TO AMEND AN ACT ENTITLED 'AN ACT TO PROVIDE A GOVERNMENT FOR THE TERRITORY OF HAWAII,' APPROVED APRIL THIRTIETH, NINETEEN HUNDRED.

"Be It Enacted by the Senate and House of Representatives of the United States of America in Congress assembled."

"That section five of an Act entitled 'An Act to provide a government for the Territory of Hawaii,' approved April thirtieth, nineteen hundred, is hereby amended so that the proviso thereof shall read as follows:

"Provided, That sections eighteen hundred and forty-one to eighteen hundred and ninety-one, inclusive, nineteen hundred and ten and nineteen hundred and twelve, of the Revised Statutes, and the Acts of June eighth, eighteen hundred and seventy-eight, December twenty-third, eighteen hundred and eighty, July thirtieth, eighteen hundred and eighty-six, March third, eighteen hundred and eighty-seven, March second, eighteen hundred and ninety-seven, March fourth, eighteen hundred and ninety-eight, and June sixth, nineteen hundred, all relating to the Territories, shall not apply to Hawaii."

"Sec. 2. That section twenty-six of said Act is hereby amended to read as follows:

"Sec. 26. That the members of the Legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of six hundred dollars for each regular session, payable in three equal installments on and after the first, thirtieth and fiftieth days of the session, and the sum of two hundred dollars for each special session: Provided, That they shall receive no compensation for any extra session held under the provisions of section fifty-four of this Act."

"Sec. 3. That section fifty-two of said Act is hereby amended to read as follows:

"Sec. 52. That appropriations, except as otherwise herein provided, shall be made by the Legislature."

"Sec. 4. That section fifty-five of said Act is hereby amended so that the latter part thereof, limiting the amount of indebtedness that may be incurred by the Territory or any political or municipal subdivision thereof, shall read as follows: 'But the total of such indebtedness incurred in any one year

by the Territory or any such subdivision shall not exceed one per centum of the value of the property in the Territory, or subdivision, respectively, as shown by the then last general assessment for taxation, whether such assessment is made by the Territory or the subdivision, and the total indebtedness of the Territory, and of any such subdivision, shall not at any time be extended beyond seven per centum and three per centum, respectively, of such assessed values, but nothing in this Act shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States.' "

"Sec. 5. That section seventy-three of said Act is hereby amended by adding thereto the following:

"In addition to the other methods of disposing of public lands, under the land laws of Hawaii, as amended by this Act, the commissioner, with the approval of the Governor and subject to the approval of the board as hereinafter provided, may sell such lands after public notice as hereinafter provided the purchaser of each lot, in the event of more applicants than one, to be determined by ballot or lot, at a fixed and stated price per lot, in lots of such area not exceeding one hundred and sixty acres, as may be deemed requisite for the support of a family, and upon such terms of payment, residence, cultivation, and other terms as may be deemed appropriate for the promotion of bona fide homesteading on the lands in question, and may deliver possession under an agreement to be called a homestead agreement, compliance with the terms of which, and of the laws applicable thereto, shall entitle the purchaser to a patent. The commissioner may also, with such approval give a preference right to purchase, at a price determined by three disinterested appraisers appointed by him, any parcel of public land that has actually been resided on and improved, or so much thereof, together with such adjoining land as may reasonably be required for a home, to any person who alone, or in conjunction with his predecessors in interest, has for not less than five years immediately preceding the date of sale so actually resided on and improved the same.

No person shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or homestead agreement, who or whose husband or wife shall then be the owner of an amount of land which with the land in question will exceed one hundred and sixty acres, or shall hereafter have taken or held any land under any such certificate,

lease, or agreement, or under any homestead lease or patent based thereon; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law; nor shall any person hereafter become entitled to receive a homestead lease or a patent upon a sale of any kind unless he is a citizen of the United States; nor shall any person who, having so declared his intention, shall hereafter take or hold under any such certificate, lease, or agreement, continue so to hold unless he shall have become a citizen within five years after so taking. No land hereafter disposed of for homestead purposes nor any interest therein or control thereof shall thereafter, whether before or after patent issued, be in any way, directly or indirectly transferred to or acquired or held by or for the benefit of any alien or aliens, or any corporation or corporations more than twenty per cent. of whose stock is owned, held or controlled by an alien or aliens, or any person or corporation who or which owns, holds or controls directly or indirectly other land or the use thereof which together with the land in question exceeds one hundred and sixty acres in area, provided that this prohibition shall not apply to acquisitions by inheritance or in good faith in the ordinary course of justice in the collection of debts; any land in respect of which this provision shall be violated shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceeding. No such certificate, lease, or agreement, or rights thereunder, nor the land covered thereby, or any part thereof or interest therein, shall, before the patent therefor become issuable, be, or be contracted to be, conveyed, assigned, mortgaged, leased or otherwise transferred or disposed of without the written consent of the commissioner; and non-compliance with the terms of any such certificate, lease, or agreement, or other agreement of sale, or of the law applicable thereto, shall entitle the commissioner, with the approval of such board, with or without legal process, notice, demand or previous entry, to retake possession and thereby determine the estate: Provided, That the times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith. All questions respecting such compliance shall be decided by the commissioner, subject to appeal to the circuit judge in whose jurisdiction the premises in question are situated; and such circuit judge shall have full and exclusive authority in chambers without the intervention of a jury for adjudicating such matters, and his decision shall be final. Any lot not taken, or taken and forfeited, in any tract opened for settlement, or any lot or part thereof surrendered with the consent of the

commissioner, which is hereby authorized, shall be subject to sale or other disposition, without further notice in accordance with the law applicable to sales or other disposition of public lands; and any sale, drawing or allotment may take place at the office of the commissioner or in the district in which the land is situated, for each of which districts the commissioner is hereby authorized to appoint one or more subagents, and the notice of any such sale, drawing, or allotment shall be by publication in one or more newspapers of general circulation, printed, published and circulated in the Territory, for such period of time as may be determined by the commissioner as giving sufficient public notice of such sale, drawing or allotment, such period of time shall, in no event, be less than sixty days.

All lands in the possession, use and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this Act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. And no exchange or sale by which the Territory shall convey land exceeding either forty acres in area or five thousand dollars in value, shall be made, without the approval of two-thirds of a board constituted and appointed as provided in Section eighty of this Act, and until the legislature otherwise provide, said board shall consist of six members and its members be appointed for terms of four years. All orders setting aside lands for forest and other public purposes, or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, and, with the approval of said board, to prescribe forms of oaths and make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect. The parts of said laws set forth in the following sections and parts of sections of the Revised Laws of Hawaii are hereby repealed: Section two hundred and fifty-two to two hundred and fifty-four, inclusive; the last three paragraphs of section two hundred and sixty-two; section two hundred and seventy-four; section two

hundred and seventy-six; except the first and last paragraphs thereof; sections two hundred and seventy-nine and two hundred and ninety-two; the second paragraph of section two hundred and ninety-six; sections two hundred and ninety-eight, three hundred, three hundred and ten to three hundred and twelve, inclusive; three hundred and fifteen, three hundred and twenty, three hundred and twenty-nine to three hundred and thirty-three, inclusive, and three hundred and forty-seven."

"Sec. 6. That section seventy-nine of said Act is hereby repealed.

"Sec. 7. That section eighty-four of said Act is hereby amended so that the last sentence thereof shall read as follows:

'Nor shall any judge sit in any case in which he may have been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated.'

"Sec. 8. That section ninety-one of said Act is hereby amended by adding thereto the following:

'And any such public property taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of schools, cemeteries, parks, roads, wharves, water works, sewer works, electric works, public buildings, or other public purposes, or required for any such purposes, may be transferred to the Territory by direction of the President, and any such property may thereafter be transferred to any city, county, or other political subdivision thereof, by direction of the governor of the Territory when thereunto authorized by the Legislature.'"

"Sec. 9. That section ninety-two of said Act is hereby amended to read as follows:

'Sec. 92. The following officers shall receive the following annual salaries, to be paid by the United States: The governor ten thousand dollars; the secretary of the Territory, five thousand dollars; the chief justice of the supreme court of the Territory, six thousand dollars; the associate justices of the supreme court, five thousand five hundred dollars each; the judges of the circuit courts, four thousand dollars each; the United States district judges, six thousand dollars each; the United States Marshal, four thousand dollars; the United States district attorney, five thousand dollars. And the governor shall receive annually, in addition to his salary, the sum of one thousand dollars for stationery, postage and incidentals; also his traveling expenses while absent from the capital on official business, and the

sum of two thousand dollars annually for his private secretary.' "

"Sec. 10. That section ninety-seven of said Act is hereby amended by adding thereto the following:

'Provided, That for the prevention and suppression of infectious and contagious diseases, and the improvement of sanitary conditions in Hawaii, such sum as shall be necessary, not exceeding twenty-five thousand dollars, shall be appropriated annually, to be expended under the direction of the governor as occasion may require.' "

Sec. 11. That section one hundred of said Act is hereby amended by adding thereto the following:

'All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to June twenty ninth, nineteen hundred and six, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized.' "

The Communication was ordered received and placed on file.

Upon motion of Senator McCarthy, seconded by Senator Coelho, action on House Concurrent Resolution No. 21 was deferred until after consideration of the Order of the Day.

A Communication (No. 286) from the House of Representatives, returning Senate Bill No. 120, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

- I have the honor to return herewith Senate Bill No. 120, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

In line 4 of Section 1 strike out the words "the Territory," and insert in lieu thereof the words "each County including the City and County of Honolulu."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Baker moved that the Senate concur in the amendments made to Senate Bill No. 120. Seconded by Senator Harvey and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—12.

Noes: 0.

Not Present: Senators Chillingworth, Fairchild and Knudsen—3.

A Communication (No. 287) from the House of Representatives, returning Senate Bill No. 121, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 23, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 121, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii, with the following amendments:

After Section 18 of said Bill strike out the heading "POLLING PLACES, COMPARTMENTS, BALLOT BOXES, ETC."

In line 8 of Section 35 strike out the word "five" and insert in lieu thereof the word "ten."

In Section 44, Paragraph 2, strike out the words "and the seals of such candidates, or agents of candidates as may desire to seal the same," in lines 2 and 3 of said Paragraph.

Strike out the words "at hard labor" in line 4 of Section 59.

After the word "Sheriff" in line 10 of Section 78, add the following: "and there shall also be elected in each District a Deputy Sheriff."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator McCarthy moved to concur in the amendments made to Senate Bill No. 121. Seconded by Senator Woods and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—1.

Senator Makekau moved to take up for consideration Senate Bill No. 150. Seconded by Senator Brown and carried.

Third Reading of Senate Bill No. 150, entitled "An Act Making Additional Appropriation for Current Expenses for the Biennial Period Ending June 30, 1911."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Chillingworth—1.

At 10:24 o'clock the Senate took a recess subject to the call of the Chair.

At 10:30 o'clock the Senate reconvened.

Senator Coelho presented the Report (No. 10) of the Special Joint Conference Committee on House Bill No. 164 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 24, 1909.

The Honorable W. O. Smith,
President of the Senate and

Honorable C. A. Rice,
Vice-Speaker, House of Representatives.

Gentlemen:—The Conference Committee of the Senate and House of Representatives, appointed for the purpose of examining the Senate amendments to House Bill No. 164, introduced by the Health Committee, entitled "An Act to Provide for the Examination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine such Persons and Defining their Duties", begs leave to report that it has had the amendments to said Bill under careful consideration and begs leave to recommend that this House do concur in said

amendments made by the Senate and that this bill pass as amended.

Respectfully submitted,

W. J. COELHO,
Chairman;
GEO. H. FAIRCHILD,
F. R. HARVEY,
J. H. CONEY,
A. S. KALEIOPU,
HENRY L. KAWEWEHI.

Upon motion of Senator Knudsen, seconded by Senator Coelho, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Makekau—1.

Senator Fairchild presented the Report (No. 11) of the Special Joint Conference Committee on House Bill No. 74 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 23, 1909.

Honorable Wm. O. Smith,
President of the Senate and

Honorable Chas. A. Rice,
Vice-Speaker, House of Representatives.

Gentlemen:—Your Special Joint Conference Committee to which was referred House Bill No. 74, entitled "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911", begs leave to report that it has had the same under careful consideration and would recommend the final passage of the Bill as amended by the Senate, with the following amendments:

Under the head of "The Governor", subhead "Militia Department," amend the item
"Adjutant General (\$225.00)\$ 5,400.00"
so as to read

"Adjutant General (\$200.00)\$ 4,800.00"

Amend the total under this subhead by striking out figures "\$20,160.00" and inserting in lieu thereof the figures "\$19,560.00".

Amend the item, under the head "Public Archives",

"Expenses, copying, translating, printing, binding..\$ 5,000.00" so as to read

"Expenses, copying, translating, printing, binding..\$ 2,160.00"

Amend the total under the head "Public Archives" by striking out the figures "\$8,600.00" and inserting in lieu thereof the figures "\$5,760.00".

Strike out the head "Promotion" and the item

"Support of (\$250.00)\$ 6,000.00"

Under the head "Permanent Settlements", amend item

"Queen Liliuokalani (\$700.00) . :.....\$16,800.00" so as to read

"Queen Liliuokalani (\$625.00)\$15,000.00"

Amend the total under the head of "Permanent Settlements" by striking out the figures "\$18,800.00" and inserting in lieu thereof the figures "\$17,000.00".

Under the head "Auditing Department" amend the item

"Expenses. \$ 3,600.00" so as to read

"Expenses.. . . . \$ 3,000.00"

Amend the total under the head of "Auditing Department" "\$24,600.00" so as to read "\$24,000.00".

Under the head "Treasury Department" strike out the items

"License Clerk (\$140.00)\$ 3,600.00"

"Corporation Clerk (\$100.00)\$ 2,400.00"

"Recording Clerk and Messenger (\$100.00).....\$ 2,400.00"

"Stenographer (\$100.00)\$ 2,400.00"

and insert in lieu thereof

"Clerks, Stenographer, Assistants, etc., (\$395.00)...\$ 9,480.00"

Strike out item "Liquor Law.....\$17,000.00"

Strike out item "Extermination of Mongoose.....\$ 2,500.00"

Amend the total under the head of "Treasury Department" by striking out the figures "\$392,960.00" and inserting in lieu thereof the figures "\$372,380.00".

Insert a new head "Liquor Commission (after Bureau of Conveyances)

Expenses. \$10,000.00"

Under the head "Bureau of Taxes", subhead "First Taxation Division, Oahu", strike out the items

"Commissions, Deputy Assessors and Collectors....\$24,500.00"

"Clerks and Interpreters \$20,000.00"

"Incidentals. \$ 6,000.00"

and insert in lieu thereof

"Deputy Assessors, Collectors, Clerks, Interpreters,
Commissions and Expenses.\$50,500.00"

Under the subhead "Second Taxation Division, Maui, etc.,"
strike out the items

"Commissions, Deputy Assessors and Collectors....\$16,300.00"

"Clerk and Interpreter (\$50.00)\$ 1,200.00"

"Expenses. \$ 1,000.00"

and insert in lieu thereof

"Deputy Assessors, Collectors, Clerks, Interpreters,
Commissions and Expenses.\$18,500.00"

Under the subhead "Third Taxation Division, Hawaii",
amend the item

"Salaries and Commissions of Deputy Tax Assessors
and Collectors and Clerks, Hawaii.....\$25,000.00"

so as to read

"Deputy Tax Assessors, Collectors, Clerks and Com-
missions, including Expenses.\$24,000.00"

Amend the total under subhead of "Third Taxation Division,
Hawaii", by striking out the figures "\$29,800.00" and in-
serting in lieu thereof the figures "\$30,240.00".

Under the subhead "Fourth Taxation Division, Kauai and
Niihau", amend items

"Deputies, Clerks, etc.\$14,000.00"

"Expenses. \$ 1,500.00"

so as to read

"Deputies, Clerks, Commissions, Interpreters and
Expenses. \$15,500.00"

Amend the total under "Bureau of Taxes" by striking out
the figures "\$133,500.00" and inserting in lieu thereof figures
"\$133,940.00".

Under the head "Bureau of Conveyances", decrease the item
"Expenses" from "\$3,500.00" to "\$3,300.00" and amend the
total under the head of "Bureau of Conveyances" by striking
out the figures "\$30,620.00" and inserting in lieu thereof the
figures "\$30,420.00".

Under the head "Public Instruction", subhead "General",
strike out the items

"Industrial Training \$ 7,500.00"

"School Supplies, Books, Libraries and Lace
Making. \$23,000.00"

and insert in lieu thereof

"Industrial Training, School Supplies, Books, Libra-
ries and Lace Making \$26,000.00"

Under the head "Public Instruction" subhead "General"
amend the total by striking out the figures "\$52,400.00" and
inserting in lieu thereof the figures "\$47,900.00".

Under the head "Public Works, Public Lands and Survey", subhead "General", amend the item

- "Superintendent of Public Works, Commissioner of Public Lands and Surveyor (\$416.66 2-3).....\$10,000.00" so as to read

"Superintendent of Public Works, Commissioner of Public Lands and Surveyor (\$400.00).....\$ 9,600.00"

In the next item insert after the words "Engineers, Architects, Draughtsmen" the word "Surveyor" so as to read

"Engineers, Architects, Draughtsmen, Surveyor, Clerks, Stenographers, sub-Agents, Rangers, Messengers, Expenses. \$90,280.00"

Amend the total under subhead "General" by striking out the figures "\$100,280.00" and inserting in lieu thereof the figures "\$99,880.00".

Under the subhead "Maintenance, Government Property", amend the item

"Maui. \$ 2,500.00" so as to read

"Maui. \$ 1,000.00"

Amend the item

"Telephone Exchange, Capitol and Judiciary Buildings. \$ 4,000.00"

so as to read

"Telephone Exchange, Capitol and Judiciary Buildings. \$ 3,336.00"

Strike out the item

"Alterations, Repairs and Furnishings, Aliiolani

Hale. \$75,000.00"

Amend the total under the head of "Government Property" by striking out the figures "\$115,180" and inserting in lieu thereof the figures "\$38,016.00".

Under the head of "Landings and Wharves", "Maintenance, Repairs and Additions", amend item "Maui" by striking out the figures "\$8,000.00" and inserting in lieu thereof the figures "\$6,000.00".

Under the head "Pilots", Honolulu" amend the item

"Watchman (\$50.00). \$ 1,200.00" so as to read

"Watchman, \$65.00) \$ 1,560.00"

Amend the total under the head of "Honolulu" by striking out the figures "\$32,320.00" and inserting in lieu thereof the figures "\$32,680.00".

Under the head of "Hilo" amend item

"Pilot, Gunpowder and Kerosene Oil Keeper (\$200.00). \$ 4,800.00" so as to read

"Pilot, Gunpowder and Kerosene Oil Keeper
(\$175.00). \$ 4,200.00"

Amend the total under head of "Hilo" by striking out the figures "\$5,890.00" and inserting in lieu thereof the figures "\$5,290.00".

Under the head "Kahului" strike out the item

"Pilot Boys. \$ 2,880.00"

Increase item of "Expense" from "\$550.00" to "\$2,500.00".

Amend the total under the head of "Kahului" by striking out the figures "\$8,230.00" and inserting in lieu thereof the figures "\$7,300.00".

Under the "Board of Health, General" strike out items

"Secretary (\$165.00). \$ 4,200.00"

"Clerks. \$ 4,320.00"

"Stenographer (\$90.00). \$ 2,160.00"

"Janitor and Messenger (\$50.00). \$ 1,200.00"

"Expenses. \$10,000.00"

and insert in lieu thereof

"Secretary, Clerks, Stenographers, Janitors, Messengers, Expenses. \$21,760.00"

Amend the total under the head of "General" by striking out the figures "\$28,480.00" and inserting in lieu thereof the figures "\$28,360.00".

Under the head "Sanitation" amend the item

"Chief Inspector of Sanitation and Sewers, Honolulu (\$165.00). \$ 3,960.00"

so as to read

"Chief Inspector of Sanitation and Sewers, Honolulu (\$150.00). \$ 3,600.00"

Amend item

"Seven Inspectors, Honolulu, at (\$85.00). \$14,280.00"

so as to read

"Sanitary Inspectors, Honolulu \$12,240.00"

Amend item

"Chief Sanitary Inspector, Inspector of Buildings, Plumbing, House Sewers, Dairies, Milk, Fish, Food, Districts of Hilo, Hamakua and Puna (\$165.00). \$ 3,960.00"

so as to read

"Chief Sanitary Inspector, Inspector of Buildings, Plumbing, House Sewers, Districts of Hilo, Hamakua and Puna (\$157.50). \$ 3,780.00"

Amend item

"Assistant Inspector (\$85.00). \$ 2,040.00"

so as to read

"Assistant Inspector (\$80.00). \$ 1,920.00"

Strike out the item

"Sanitary Inspector, Island of Maui (\$125.00).....\$ 3,000.00"

Amend the total under head of "Sanitation" by striking out the figures "\$30,840.00" and inserting in lieu thereof the figures "\$25,140.00".

Under the head "Pure Food" amend the item

"Food Commissioner and Analyst (\$150.00).....\$ 3,600.00"
so as to read

"Food Commissioner and Analyst (\$125.00).....\$ 3,000.00"

Strike out the items

"Meat Inspector and Veterinary (\$150.00).....\$ 3,600.00"

"Milk and Dairy Inspector (\$75.00).....\$ 1,800.00"

Amend the total under head of "Pure Food" by striking out the figures "\$9,000.00" and inserting in lieu thereof the figures "\$3,000.00".

Under the head of "Medical and Quarantine Service and Supplies" strike out all items commencing with "Waimea, Kauai, \$25.00" down to and including "Kau, \$50.00".

Amend the item

"Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, Prevention and Cure of Tuberculosis and Suppression of Contagious Diseases. \$18,000.00"

so as to read

"Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, Prevention and Cure of Tuberculosis and Suppression of Contagious Diseases. \$45,250.00"

Insert a new item to read

"Vaccination Supplies. \$ 2,750.00"

Decrease item "Rat Campaign, Hilo", from "\$6,000.00" to "\$5,000.00".

Strike out "Rat Campaign Maui.....\$ 3,000.00"

Strike out "Morgue Building and Equipment.....\$ 1,500.00"

Strike out "Maintenance, Horse and Wagon, Hilo,.. \$ 1,200.00"
and insert in lieu thereof

"Sanitation, Incidentals and Expenses, Hilo.....\$ 2,000.00"

Amend the total of "Medical and Quarantine Service and Supplies" by striking out the figures "\$110,700.00" and inserting in lieu thereof the figures "\$106,000.00".

Under the head "Insane Asylum" amend the items

"14 Guards and 1 Taroman (\$55.00 each).....\$19,800.00

6 Nurses (\$50.00 each).....\$ 7,200.00

Sundry Pay Roll.\$12,480.00

so as to read

Pay Roll. \$31,560.00"

Amend the total "Insane Asylum" by striking out the figures "\$84,480.00" and inserting in lieu thereof the figures "\$76,560.00".

Under the head "Hospitals" strike out the item
 "Treatment of Children at the Palama Hospital....\$ 1,200.00"
 Amend the item "Malulani Hospital, Maui,
 Pay Roll \$ 4,300.00
 Maintenance. \$ 7,200.00

\$11,500.00"

so as to read

"Malulani Hospital, Maui, for period ending December 31, 1909,
 \$2,875.00".

Amend the item "Hilo Hospital, Hawaii.....\$11,500.00"
 so as to read

"Hilo Hospital, Hawaii, for period ending December
 31, 1909. \$ 2,875.00"

Strike out the item
 "Kapiolani Maternity Home.....\$ 7,200.00"
 Strike out the item

"Aid to Associated Oharities \$ 2,400.00"

Amend the total under head of "Hospitals" by striking out
 the figures "\$72,800.00" and inserting in lieu thereof the figures
 "\$44,750.00".

Under the head "The Courts" amend the item
 "Clerk, Judiciary Department (to have charge of
 Clerk's office, act as Cashier and Bookkeeper)
 (\$225.00). \$ 5,400.00"

so as to read

"Clerk, Judiciary Department (to have charge of
 Clerk's office, act as Cashier and Bookkeeper)
 (\$200.00). \$ 4,800.00"

Amend the total under the subhead "Supreme Court" by
 striking out the figures "\$23,600.00" and inserting in lieu
 thereof the figures "\$24,200.00".

Under the head "Circuit Courts" amend subhead so as to
 read "First Circuit Court and Land Court".

Amend item of "Expenses, First Circuit" so as to read "\$25,-
 000.00" instead of "\$27,500.00".

Amend total "First Circuit" by striking out the figures
 "\$76,100.00" and inserting in lieu thereof the figures "\$73,-
 600.00".

Amend the item
 "Clerk (\$150.00). \$ 3,600.00"
 in the "Fourth Circuit" to read
 "Clerk (\$135.00). \$ 3,240.00"
 Amend the item

"Expenses. \$13,500.00"

so as to read

"Expenses. \$12,000.00"

Amend the total under "Fourth Circuit" by striking out the figures "\$22,750.00" and inserting in lieu thereof the figures "\$20,890.00".

Amend the grand total of all Court Items by striking out the figures "\$155,900.00" and inserting in lieu thereof the figures "\$152,140.00".

Amend the "Grand Total" by striking out the figures "\$2,991,455.00" and inserting in lieu thereof the figures "\$2,828,031.00".

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman;

C. J. McCARTHY,

S. E. KALAMA,

R. H. MAKEKAU,

CHAS. F. CHILLINGWORTH,

J. C. COHEN,

CHAS. A. RICE,

J. NAKALEKA,

M. T. FURTADO,

ROBERT W. SHINGLE.

Upon motion of Senator Fairchild, seconded by Senator Makekau, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Woods and Mr. President—13.

Noes: Senators Baker and Robinson—2.

Senator Baker presented the Report (No. 17) of the Select Committee on Senate Bill No. 97 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 23rd, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee to which was referred Senate Bill No. 97, entitled "An Act to Amend Section 60 of Chapter

13 of Act 39 of the Session Laws of 1905, as Amended by Act 54 of the Session Laws of 1905 and as further amended by Act 49 of the Session Laws of 1907," introduced March 13th, 1909, by Senator R. H. Makekau, begs leave to report that it has had the same under careful consideration.

The object of this Bill is to allow County Officers the right of Appeal from Boards of Supervisors, sitting as Boards of Impeachment.

No hardship has occurred from the law as it stands upon the statute books, so your Committee recommends that the Bill be laid upon the table.

Respectfully submitted,

DAVID K. BAKER,
Chairman.

S. E. KALAMA,
E. W. QUINN.

Upon motion of Senator Knudsen, seconded by Senator Quinn, the Report of the Committee was adopted.

Senator Brown presented the Report (No. 279) of the Committee on Enrollment Revision and Printing on House Bill No. 225, as follows:

Honolulu, T. H., April 24th, 1909.

Hon. Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report House Bill No. 225 printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Brown offered the following Resolution (No. 66) relating to the payment of extra compensation to the officers of the Senate and Clerks of Committees, as follows:

RESOLUTION.

WHEREAS, the Officers of the Senate and Clerks of Committees have been at all time during the present Session of the Legislature attentive to their duties and often performed services for which they have made no charges, therefore

RESOLVED, that the sum of \$155.00 of the Appropriation for the Expenses of the Regular Session of the Senate of the Legislature of 1909, be paid to each of the following named Officers and Clerks of Committees as additional remuneration to what they are now being paid and as full consideration for the extra services heretofore performed by them for which they made no charges or requests for payment, namely:

P. N. Kahokuoluna, Sergeant-at-Arms.....	\$ 30.00
P. A. Victor, Messenger.....	25.00
A. H. K. Keohokalole, Janitor.....	20.00
John Kalino, Chaplain.....	20.00
Charles H. Clark, Clerk Printing Committee.....	30.00
A. N. Cederlof, Clerk Senate Accounts Committee.....	20.00

\$155.00

JOHN T. BROWN,
Senator, 1st District.

The Resolution was referred to the Committee on Accounts.
The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 224, entitled "An Act Relating to the Taxation of Insurance Companies, Amending Section 2621 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Third Reading of House Bill No. 228, entitled "An Act Relating to the College of Agriculture and Mechanic Arts, Amending Section 3 of Act 24 of the Laws of 1907."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 231, entitled "An Act to Amend Section 2566 of the Revised Laws Relating to the Annual Exhibit of Corporations."

The President here called the Vice-President to the Chair.

Senator Smith moved to strike out the words "and shall contain such information and be in such form as the Treasurer shall require" in lines 10 and 11 of Section 1. Seconded by Senator Fairchild.

Senator Chillingworth moved that further action on the Bill be deferred until Monday, April 26th, 1909. Seconded by Senator Harvey and carried.

Second Reading of Senate Bill No. 151, entitled "An Act to Provide for the Reclamation of Lands by Special Assessments against the lands to be Reclaimed and other Lands to be Benefited by such Reclamation, and Appropriating the proceeds for such Purpose."

Upon motion of Senator Chillingworth, seconded by Senator McCarthy, the Bill was referred to the Committee on Enrollment, Revision and Printing.

Second Reading of Senate Bill No. 152, entitled "An Act Making an Additional Appropriation for the Use of the Second Circuit Court for the Biennial Period ending the Thirtieth Day of June, 1909."

Upon motion of Senator Coelho, seconded by Senator Harvey, the Bill passed Second Reading.

Second Reading of Senate Bill No. 153, entitled "An Act to Amend Section 2569 of the Revised Laws of Hawaii, Relating to the Dissolution of Corporations."

Upon motion of Senator Robinson, seconded by Senator Makekau, the Bill passed Second Reading.

Second Reading of House Bill No. 232, entitled "An Act to Amend Section 1136 of the Revised Laws Relating to the Conveyance of Persons Suffering from Contagious and Infectious Diseases or Leprosy on Steam Coasting Vessels."

Upon motion of Senator Harvey, seconded by Senator McCarthy, the Bill passed Second Reading.

Second Reading of House Bill No. 225, entitled "An Act to Amend Section 1266 of the Revised Laws as Amended, Relating to Tax Liens."

Senator Knudsen moved that the word "five" be stricken out of line 13 of Section 1 and the word "three" substituted therefor. Seconded by Senator McCarthy and carried.

Senator Knudsen moved to strike out the words "and so also all taxes due from a taxpayer, whether upon property or income or otherwise, howsoever accruing, shall be a prior lien upon the real property of such taxpayer" in lines 8, 9, 10 and 11 of Section 1. Seconded by Senator Robinson and carried.

Senator Knudsen moved that the Bill pass Second Reading as amended. Seconded by Senator McCarthy and carried.

Senator Knudsen for the Committee on Judiciary reported verbally on Senate Resolution No. 65, recommending its adoption with the following amendments:

Strike out the words "on Ways and Means" in line 5; insert the word "bills" after the word "information" in line 7; and insert the words "or economic" after the word "financial" in lines 7 and 10.

The President here called the Vice-President to the Chair.

Senator Smith moved to strike out the words "whose terms of office do not expire until the year A. D. 1912" in lines 3 and 4. Seconded by Senator Fairchild and lost.

Senator Knudsen moved to strike out the words "such expenses to be a charge against and payable out of the Appropriation for the Expenses of the Legislature of the Session of 1911" at the end thereof. Seconded by Senator Fairchild and carried.

Senator McCarthy moved that the Resolution be adopted as amended. Seconded by Senator Woods and carried.

A Communication (No. 288) from the House of Representatives, informing the Senate of its adoption of the Report of the Special Joint Conference Committee on House Bill No. 74 was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the Report of the Special Joint Conference Committee on House Bill No. 74 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 289) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 218, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 218.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 290) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Bill No. 189 and of the appointment of a Conference Committee on the same, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Bill No. 189, and that the Speaker has appointed the following Conferees from the House:

Honorables Waiwaiiole, Carley and Nawahine.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. The Chair appointed the following to act as a Conference

Committee for the further consideration of House Bill No. 189: Senators Kalama, Robinson and Coelho.

A Communication (No. 291) from the House of Representatives, transmitting House Bill No. 234, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 234, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 234, entitled "An Act to Amend Chapter 98 of the Revised Laws by Adding thereto a New Section to be known as Section 1266A, Respecting the Enforcement and Summary Sale of Tax Liens."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Kalama, passed First Reading.

A Communication (No. 292) from the House of Representatives, transmitting House Bill No. 229, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 229, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

First Reading of House Bill No. 229 entitled "An Act to Amend Section 2432 of the Revised Laws, Relating to Issuance of Certificates of Title by the Court of Land Registration."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator Brown, passed First Reading.

A Communication (No. 293) from the House of Representatives, informing the Senate of its adoption of the Report of the Special Joint Conference Committee on House Bill No. 164, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the Report of the Special Joint Conference Committee on House Bill No. 164 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

At 12:01 o'clock upon motion of Senator McCarthy, seconded by Senator Fairchild, the Senate adjourned.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-EIGHTH DAY.

Monday, April 26th, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Quinn absent.

The Journal of the Fifty-seventh Day was read and, upon motion of Senator Kalama, seconded by Senator Harvey, approved as read.

A Communication (No. 294) from the House of Representatives, transmitting House Bill No. 204, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 204, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 204, entitled "An Act to Repeal Act 96 of the Session Laws of 1905, Prohibiting Certain Government Officers from Practicing Law."

The Bill was read by title and, upon motion of Senator Coelho, seconded by Senator McCarthy, passed First Reading.

A Communication (No. 295) from the House of Representatives, transmitting House Bill No. 207, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 207,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 207, entitled "An Act Making Special Appropriations for Public Improvements."

The Bill was read by title and, upon motion of Senator Kaimā, seconded by Senator Moore, passed First Reading.

A Communication (No. 296) from the House of Representatives, returning Senate Bill No. 134, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 134, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 297) from the House of Representatives, returning Senate Bill No. 85, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 85, which

this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 298) from the House of Representatives, returning Senate Bill No. 112, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 112, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 299) from the House of Representatives, returning Senate Bill No. 76, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 76, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 300) from the House of Representatives, returning Senate Bill No. 147, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 147, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 301) from the House of Representatives, returning Senate Bill No. 148, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 148, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

Amend Section 1 to read as follows: Section 1. The last paragraph of Section 2 of Act 50 of the Session Laws of 1907 is hereby amended by inserting the word "and" between the words "North Kohala" and "Waiohinu" in said paragraph, and striking out the words "and Honokaa" in the last line of said paragraph of said Section 2 on page 59 of the Session Laws of 1907.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Makekau moved that the Senate concur in the amendments made by the House of Representatives to Senate Bill No. 148. Seconded by Senator McCarthy and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Fairchild and Quinn—2.

A Communication (No. 302) from the House of Representatives, transmitting House Concurrent Resolution No 22, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 22, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, it is desirable and in the interests of the public that Bishop Street be opened and extended from Beretania Street to the Waterfront, and

WHEREAS, certain laws have already been passed by the Legislature of the Territory of Hawaii, which permits the sale of Government lands and the use of the proceeds for acquiring other property for public purposes, this act together with the laws already on the statute books providing ample means for the opening and extension of said Bishop Street, therefore

BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring,

That it is the sense of the Legislature of the Territory of Hawaii that the Superintendent of Public Works immediately take steps toward the opening of Bishop Street from Beretania to the Waterfront.

The Communication was ordered received and placed on file. Senator Moore moved to amend the Resolution by striking out the word "Beretania" in lines 3 and 16 and inserting in lieu thereof the word "Merchant". Seconded by Senator Knudsen and carried.

The Resolution was adopted as amended.

The Senate proceeded with the consideration of Senate Bill No. 152 entitled "An Act Making an Additional Appropriation for the Use of the Second Circuit Court for the Biennial Period Ending the Thirtieth Day of June, 1909," on Third Reading.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes: 0.

Not Present: Senators Chillingworth and Fairchild—2.

* Third Reading of Senate Bill No. 153, entitled "An Act to Amend Section 2569 of the Revised Laws of Hawaii Relating to the Dissolution of Corporation."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: 0.

Not Present: Senator Fairchild.

At 10:30 o'clock a recess was taken subject to the call of the Chair.

At 10:40 o'clock the Senate reconvened.

Third Reading of House Bill No. 225, entitled "An Act to Amend Section 1266 of the Revised Laws as Amended, Relating to Tax Liens."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: Senator Baker—1.

Third Reading of House Bill No. 232, entitled "An Act to Amend Section 1136 of the Revised Laws Relating to the Carrying of Persons suffering from Contagious or Infectious Diseases or Leprosy on Steam Coasting Vessels."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fair-

child, Harvey, Kalama, Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—15.

Second Reading of House Bill No. 229, entitled "An Act to Amend Section 2432 of the Revised Laws Relating to Issuance of Certificates of Title by the Court of Land Registration."

Senator Chillingworth moved to strike out the word "five" in line 3 of Section 1 and insert in lieu thereof the word "three". Seconded by Senator Harvey and carried.

Senator Kalama moved that the Bill pass Second Reading as amended. Seconded by Senator Fairchild and carried.

Second Reading of House Bill No. 231, entitled "An Act to Amend Section 2566 of the Revised Laws Relating to the Annual Exhibit of Corporations."

Senator Chillingworth moved to insert the words "with the approval of the Governor" after the word "Treasurer" on line 11 of Section 1. Seconded by Senator McCarthy and carried.

Senator Chillingworth moved that the Bill pass Second Reading as amended. Seconded by Senator Coelho and carried.

Second Reading of House Bill No. 234, entitled "An Act to Amend Chapter 98 of the Revised Laws by Adding thereto a New Section to be known as Section 1266A Respecting the Enforcement by Summary Sale of Tax Liens."

Upon motion of Senator Chillingworth, seconded by Senator Knudsen, the Bill was referred to the Committee on Judiciary.

Under suspension of the Rules, Senator Knudsen presented the Report (No. 280) of the Committee on Judiciary on House Bill No. 219 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 26, 1909.

Hon. W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Judiciary Committee to whom was referred House Bill No. 219, entitled "An Act to Amend Chapter 35 of the Revised Laws Relating to Diseases of Animals by Amending Section 447 of the Revised Laws and by Adding a New Section thereto to be known as Section 447A," begs leave to report as follows:

The object of the Bill is to put more stringent laws on the books relating to glanders and farcy, two very fatal diseases and which diseases are not alone confined to horses but can also be communicated to man. These diseases are now on the in-

crease and a number of innocent purchasers have been robbed by unscrupulous dealers.

This Bill will protect the innocent purchaser, and also the honest dealer who can get a certificate of health free of charge.

This law is copied from Germany and is found in numerous States of the Union. In some the period is as long as three (3) months.

Your Committee believes that if this Bill is passed and becomes law, this dangerous disease of glanders will be soon stamped out and so recommends the passage of this Bill.

Respectfully submitted,

ERIC A. KNUDSEN,

Chairman.

CHAS. F. CHILLINGWORTH,

R. H. MAKEKAU.

Upon motion of Senator Kalama, seconded by Senator Chillingworth, the Report of the Committee was adopted.

Senator Knudsen offered the following Concurrent Resolution (No. 14) relating to the Building of New Wharf at Hanalei, Kauai, on Government Land:

CONCURRENT RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii, the House of Representatives concurring, that the Superintendent of Public Works be directed not to build any wharf or warehouse at Hanalei, Kauai, unless he first obtains title to the land in the name of the Government of the Territory of Hawaii.

ERIC A. KNUDSEN,

Senator, 4th District.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Resolution was adopted.

The Chair here announced the following Committee under the provisions of Senate Resolution No. 65:

Senators Fairchild, Moore and Kalama.

Senator Fairchild presented the Report (No. 12) of the Special Joint Conference Committee on House Bill No. 38 as follows:

SENATE CHAMBER,

Honolulu, T. H., April 26th, 1909.

Hon. W. O. Smith,
President of the Senate;
Hon. H. L. Holstein,
Speaker, House of Representatives.

Gentlemen:—The Joint Conference Committee appointed for the purpose of examining the Senate Amendments to House Bill No. 38, introduced by Representative H. L. Kawewehi, entitled "An Act to Amend Section 1418G of the Revised Laws as enacted by Act 96 of the Session Laws of 1907," begs leave to report that it has had said Bill under careful consideration and recommends that the Bill pass as passed by the Senate with the following amendments:

In Section 1 line 8 strike out "as follows" and insert in lieu thereof "One Hundred Dollars".

Strike out all the succeeding seven lines, to wit:

"If the applicant for such license has on hand stock in trade of the value of fifteen thousand dollars (\$15,000.00) or more, the fee shall be one hundred (\$100.00) dollars.

If the applicant for such license has no stock on hand, or if his stock on hand is of the value of less than fifteen thousand (\$15,000.00) dollars, the fee shall be two hundred and fifty (\$250.00) dollars."

Retain the following three lines beginning with "Provided" and ending with "States".

Strike out the succeeding 9 lines, to wit:

"No license shall issue under this Section unless the application therefor be accompanied by an affidavit made by or on behalf of the applicant stating whether the applicant has on hand any stock in trade, and if so, the actual value thereof.

Any person who makes a wilfully false statement in such affidavit shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars."

In Section 2 line 6 after the word "be" strike out "as follows" and insert in lieu thereof "One Hundred Dollars".

Strike out the succeeding 7 lines, to wit:

"If the applicant for such license has on hand stock in trade of the value of fifteen thousand (\$15,000.00) dollars, the fee shall be one hundred (\$100.00) dollars.

If the applicant for such license has no stock on hand, or if his stock on hand is of the value of less than fifteen thousand

(\$15,000.00) dollars, the fee shall be two hundred and fifty (\$250.00) dollars."

In the 22nd succeeding line, after the word "No" insert "retail".

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

W. J. COELHO,
H. T. MOORE,
M. K. MAKEKAU,
J. C. COHEN,
CHAS. A. RICE.

Action on the Report of the Committee was deferred.
At 10:55 o'clock a recess was taken until 2 o'clock.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

Senator Fairchild for the Committee on Ways and Means returned Senate Bill No. 42 to the Senate.

Upon motion of Senator Coelho, seconded by Senator Fairchild, the Bill was laid on the table.

Senator Knudsen for the Committee on Judiciary returned Senate Bills Nos. 70 and 90 to the Senate.

Senator Coelho moved that Senate Bill No. 70 be laid on the table. Seconded by Senator Fairchild and carried.

Senator Coelho moved that Senate Bill No. 90 be laid on the table. Seconded by Senator Harvey and carried.

A Communication (No. 63) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 113, 114, 115 and 116 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., April 26, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii, Honolulu.

Sir:—I beg leave to notify your Honorable Body that the

Governor has this day, April 26, 1909, signed the following Bills:

House Bill No. 216, Act 113, entitled "An Act to Amend Section 3 of Act 42 of the Session Laws of 1903, Relating to Public Loans;"

House Bill No. 196, Act 114, entitled "An Act to Amend Section 390B of the Revised Laws as Enacted by Act 82 of the Session Laws of 1905;"

House Bill No. 291, Act 115, entitled "An Act to Authorize W. A. Wall, His Associates, Successors, and Assigns to Construct, Maintain and Operate a Railroad in Certain Districts on the Island of Hawaii, in the Territory of Hawaii;"

House Bill No. 55, Act 116, entitled "An Act to Repeal Section 1018 of the Revised Laws of Hawaii, Relating to Certificate of Vaccination."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 303) from the House of Representatives, informing the Senate of the adoption of the Report of the Special Joint Conference Committee on House Bill No. 38, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the Report of the Special Joint Conference Committee on House Bill No. 38 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communcation was ordered received and placed on file. A Communication (No. 304) from the House of Representatives, transmitting House Bill No. 235, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Bill No. 235, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. First Reading of House Bill No. 235, entitled "An Act Relative to the Payment of Taxes on Real Estate taken for Public Purposes."

The Bill was read by title and, upon motion of Senator McCarthy, seconded by Senator Coelho, passed First Reading.

Under suspension of the Rules, Senator Woods presented the Report (No. 18) of the Select Committee of Hawaii Members on House Bill No. 197, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 26, 1909.

Hon. Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Select Committee, consisting of the Members from the Island of Hawaii, to whom was referred House Bill No. 197, entitled "An Act to Appropriate Money for the Relief of the Hilo Electric Light Company, Limited," begs leave to report that it has had the same under careful consideration.

From investigations made by your Committee it finds that the amount of the claim was contracted for without the least color

of authority and in violation of Section 4 of Act 10, Session Laws of 1903, and therefore recommends that the Bill be laid upon the table.

A Communication from the Auditor, showing the complete standing of the claim sought to be recovered by this Bill, is attached hereto and made a part of this Report.

Respectfully submitted,

PALMER P. WOODS,
Chairman.

DAVID K. BAKER,
R. H. MAKEKAU,
JOHN T. BROWN.

TERRITORY OF HAWAII

AUDITING DEPARTMENT.

Honolulu, April 22, 1909.

Honorable Palmer P. Woods,

Member, Select Committee of Hawaii Members.

Dear Sir:—Replying to your inquiry as to bills of the Hilo Electric Light Company, I beg to make the following statement:

The first claim No. 2284 is intended to be a charge against the appropriation for "Hilo Fire Department" for \$69.40; by referring to the items as stated on the back of the bill of the Hilo Electric Light Co. it will be noticed that the charges from December 31, 1902, to June 30, 1903, amount to \$43.90 and belong to the appropriation for the biennial period of 1901-1903, and by reference to the receipts on file in this office I find that the items for December 31, 1902, and January 31, 1903, for \$4.20 each have been paid by warrants Nos. 1071 and 1073 respectively, thus reducing this amount to \$35.50.

The Legislature of 1903 passed an appropriation bill for six months, from July 1, 1903, to December 31, 1903, and an eighteen months bill from January 1, 1904, to June 30, 1905. In neither of these bills was there an appropriation out of which these items could be paid.

The County Act having been declared invalid by the Supreme Court January 13, 1904, Governor Carter reappropriated the items of the six months bill to cover the needs of the Territory to June 30, 1904.

From July 1, 1903, to December 31, 1903, the Light Company make no charge but from January 1, 1904, to June 30, 1904,

they made a charge of \$25.50 for light furnished during that time.

In view of the above facts I hold that the items amounting to \$25.50 were contracted without the least color of authority and in violation of Section 4 of Act 10, S. L. 1903.

Why the first mentioned items for \$35.50 were not presented and paid at the proper time I do not know, but was probably the fault of the company as a balance of \$2,118.90 lapsed at the end of the period, June 30, 1903.

The bill of the company for \$99.60 is a proper charge against the appropriation for "Electric Lighting, Hilo Streets", but could not be paid when presented as a part of their bill for \$232.80 (voucher 11234) and was deducted therefrom for the reason that there was a balance of only \$191.90 in the appropriation at the time.

The bill of the same Company dated March 31, 1903, for \$247.70 against "Electric Lighting, Hilo Streets" for extending pole line and changing location of eight lights (as stated on the back of the bill) evidently was never presented for payment. Of the small balance remaining in the appropriation at the time, I hold that as the balance of the appropriation at the date of the bill was barely sufficient to pay the regular monthly lighting bills to the end of the period, the bill should never have been contracted, even if eight lights had to be dispensed with, and is a violation of Section 4 of Act 4, S. L. 1901.

In this connection I beg to inform you that in pursuance of resolution No. 45 of the Senate, adopted May 1, 1907, I advertised during the month of November last and the above bills were not presented in response thereto. I have the honor to remain,

Yours very truly,

J. H. FISHER,

Auditor, Territory of Hawaii.

Upon motion of Senator Quinn, seconded by Senator Fairchild, the Report of the Committee was adopted.

Senator Knudsen for the Committee on Judiciary asked leave to return House Bill No. 220 to the Senate. Granted.

Second Reading of House Bill No. 220, entitled "An Act to Amend Section 1651 of the Revised Laws Relating to the Powers of Circuit Courts."

Senator Knudsen moved to insert the following at the end of Section 1: "Provided, however, that the party procuring any subpoena for any witness under this Act shall first deposit

with the Court the actual necessary traveling expenses of such witness and in no case shall such expenses be taxed as costs." Seconded by Senator Chillingworth and carried.

Senator Makekai moved that the Bill pass Second Reading as amended. Seconded by Senator Harvey and carried.

A Communication (No. 305) from the House of Representatives, returning Senate Concurrent Resolution No. 13, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Concurrent Resolution No. 13, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

At 2:20 o'clock, upon motion of Senator Knudsen, seconded by Senator Chillingworth, the Senate resolved itself into Committee of the Whole for the consideration of Senate Concurrent Resolution No. 8 and House Concurrent Resolution No. 21, Senator Makekai in the Chair.

At 2:48 o'clock the Senate came to order, Senator Makekai, for the Committee of the Whole, reporting consideration of the Resolutions and recommending that they be referred to a Select Committee.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was adopted.

The Chair appointed the following to act as such Select Committee: Senators Chillingworth, McCarthy and Knudsen.

A Communication (No. 306) from the House of Representatives, transmitting House Joint Resolution No. 10, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Joint Resolution No. 10, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

JOINT RESOLUTION.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

That to commemorate the name of his late Majesty Kamehameha III., popularly known as "Kauikeaouli", during whose reign Hawaii made great advancement in material prosperity, the public park at Waiakea, Hilo, Hawaii, shall be known as "Kauikeaouli Park".

The Communication was ordered received and placed on file.
First Reading of House Joint Resolution No. 10.

The Resolution was read and, upon motion of Senator Knudsen, seconded by Senator Fairchild, passed First Reading.

A Communication (No. 307) from the House of Representatives, informing the Senate of its non-concurrence in the amendment made to House Concurrent Resolution No. 22, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii, this day

failed to concur in the amendments made by your Honorable Body to House Concurrent Resolution No. 22, and that the Speaker has appointed the following Conferees from the House: Honorables (ohen, Shingle and Kaleiupu.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. The Chair appointed the following to act as a Conference Committee for the further consideration of House Concurrent Resolution No. 22: Senators McCarthy, Chillingworth and Harvey.

A Communication (No. 308) from the House of Representatives, transmitting House Joint Resolution No. 12, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Joint Resolution No. 12, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

JOINT RESOLUTION.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

That the Superintendent of Public Works do appoint some fit and competent person to be known as the Gas and Electrical Inspector, whose duties it shall be examine and inspect the laying and placing of pipes, conduits, poles and wires, and generally to inspect and examine all apparatus of companies using or supplying gas or electricity, and that the Superintendent of Public Works

do pay to said inspector a reasonable salary, which salary shall be paid from the following funds, viz.: three-fourths of said salary shall be paid from the annual royalty or payment paid to the Superintendent of Public Works by the Hawaiian Electric Company, Limited, and one-fourth of said salary shall be paid from the annual royalty or payment paid by the Honolulu Gas Company, Limited, to the Superintendent of Public Works, and

Furthermore, that the Superintendent of Public Works of the Territory of Hawaii do examine generally into the conduct of the affairs of the several public service corporations using or supplying gas or electricity by virtue of rights granted them under franchises from the Government of the Territory of Hawaii, and report the result of his examination to the Legislature of 1911.

The Communication was ordered received and placed on file.
First Reading of House Joint Resolution No. 12.

The Resolution was read and, upon motion of Senator McCarthy, seconded by Senator Quinn, passed First Reading and was referred to the Committee on Military and Public Expenditures.

A Communication (No. 309) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 225, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendments made by your Honorable Body to House Bill No. 225.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Senator Coelho moved to adopt the Report of the Special Joint Conference Committee on House Bill No. 38. Seconded by Senator Knudsen and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes: Senator Makekau—1.

At 3 o'clock a recess was taken subject to the call of the Chair.

At 3:06 o'clock the Senate reconvened.

Senator Makekau moved to adjourn. Seconded by Senator Woods and carried.

WILLIAM SAVIDGE.

Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

FIFTY-NINTH DAY.

Tuesday, April 27th, 1909.

The Senate met pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senator Fairchild absent.

The Journal of the Fifty-eighth Day was read.

Senator Coelho moved that the Proceedings had before the Joint Session of the Senate and House of Representatives in connection with the address of the Hon. C. W. Fairbanks, Ex Vice-President of the United States, be embodied in the Journal of the Senate. Seconded by Senator McCarthy and carried.

Senator Coelho moved that the Journal of the Fifty-eighth Day be approved as read. Seconded by Senator Harvey and carried.

A Communication (No. 310) from the House of Representatives, requesting the return of House Joint Resolution No. 12, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that in accordance with a motion to reconsider vote taken on House Joint Resolution No. 12, which motion was duly seconded and carried, I am directed by the House of Representatives to request that you return said Resolution for further action by the House.

Very respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

Senator Knudsen moved that the request of the House of Representatives be complied with. Seconded by Senator Coelho and carried.

A Communication (No. 311) from the House of Representatives, returning Senate Bill No. 149, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 149, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 312) from the House of Representatives, returning Senate Concurrent Resolution No. 14, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Concurrent Resolution No. 14, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 313) from the House of Representatives, transmitting House Concurrent Resolution No. 23, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 23, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, it is desirable and in the interests of the Public that a road should be opened and constructed through the homestead lots at Honomu, Hawaii; and

WHEREAS, certain laws have already been passed by the Legislature of the Territory of Hawaii, which permit the sale of Government lands and the use of the proceeds for acquiring other property for public purposes, this Act together with the laws already on the statute books providing ample means for the opening and construction of the said Honomu Homestead Road,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring, that it is the sense of the Legislature of the Territory of Hawaii that the Superintendent of Public Works immediately take steps towards the opening and construction of said Honomu Homestead Road.

The Communication was ordered received and placed on file.

Upon motion of Senator Brown, seconded by Senator Woods, House Concurrent Resolution No. 23 was adopted.

A Communication (No. 314) from the House of Representatives, transmitting House Concurrent Resolution No. 24, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 24, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, it is desirable and in the interests of the Public that a road should be opened and constructed through the homestead lots at Kaiwiki I., Hawaii; and

WHEREAS, certain laws have already been passed by the Legislature of the Territory of Hawaii, which permit the sale of Government lands and the use of the proceeds for acquiring other property for public purposes, this Act together with the laws already on the statute books providing ample means for the opening and construction of said Kaiwiki I. Homestead Road;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring, that it is the sense of the Legislature of the Territory of Hawaii that the Superintendent of Public Works immediately take steps toward the opening and construction of the said Kaiwiki I. Homestead Road.

The Communication was ordered received and placed on file.

Upon motion of Senator Makekau, seconded by Senator Coelho, House Concurrent Resolution No. 24 was adopted.

A Communication (No. 315) from the House of Representatives, transmitting House Concurrent Resolution No. 25, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 25, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, it is desirable and in the interests of the Public that a road should be opened and constructed through the homestead lots at Kaohe near Pahoa, Puna, Hawaii; and

WHEREAS, certain laws have already been passed by the Legislature of the Territory of Hawaii, which permit the sale of Government lands and the use of the proceeds for acquiring other property for public purposes, this Act together with the laws already on the statute books providing ample means for the opening and construction of said Kaohe Homestead Road;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring, that it is the sense of the Legislature of the Territory of Hawaii that the Superintendent of Public Works immediately take steps toward the opening and construction of said Kaohe Homestead Road.

The Communication was ordered received and placed on file.

Upon motion of Senator Makekau, seconded by Senator Brown, House Concurrent Resolution No. 25 was adopted.

A Communication (No. 316) from the House of Representatives, transmitting House Concurrent Resolution No. 26, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 26, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, it is desirable and in the interests of the public that roads should be opened and constructed through the homestead lots at Alewa Heights, Honolulu, Oahu, Territory of Hawaii; and

WHEREAS, Act 80 of the Session Laws of 1909, "An Act Providing for the Construction of Roads through and from Public Lands opened for Settlement", this Act together with Act 55 and the Laws already on the Statute Books providing ample means for the opening and construction of the said roads through the Alewa Heights Homestead;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring, that it is the sense of the Legislature of the Territory of Hawaii that the Superintendent of Public Works immediately take steps toward the opening and construction of the said Roads through the Alewa Heights Homestead.

The Communication was ordered received and placed on file.

A Communication (No. 317) from the House of Representatives, transmitting House Joint Resolution No. 14, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith Joint Resolution No. 14, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

JOINT RESOLUTION.

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

That the public park at the corner of Pitman and Ponahawai streets, Hilo, Hawaii, shall be known as Kealawaa Park.

The Communication was ordered received and placed on file.

First Reading of House Joint Resolution No. 14.

Senator Knudsen moved to strike out the words "Joint Resolution" and insert in lieu thereof the words "Concurrent Resolution." Seconded by Senator Makekau and carried.

Senator Knudsen moved to strike out the words "Be it Resolved by the Legislature of the Territory of Hawaii" and insert in lieu thereof the words "Be it Resolved by the House of Representatives of the Territory of Hawaii; the Senate Concurring". Seconded by Senator Moore and carried.

Senator Makekau moved to strike out the word "Kealawaa" and insert in lieu thereof the word "Brown". Seconded by Senator Coelho.

Senator Knudsen moved that the Resolution be referred to the Select Committee of Hawaii Members. Seconded by Senator Quinn and carried.

Senator Brown presented the Report (No. 281) of the Committee on Enrollment, Revision and Printing on Senate Bill No. 151 and the Report of the Waikiki Reclamation Commission, as follows:

Honolulu, T. H., April 27, 1909.

Honorable Wm. O. Smith,
President of the Senate.

Sir:—Your Committee on Enrollment, Revision and Printing begs leave to report Senate Bill No. 151 and Report of the Waikiki Reclamation Commission printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,
Chairman.

E. W. QUINN,
C. J. McCARTHY.

The Report of the Committee was ordered received and placed on file.

Senator Chillingworth for the Select Committee appointed to consider House Concurrent Resolution No. 21 and Senate Concurrent Resolution No. 8, reported verbally returning the Resolutions for further action by the Senate.

Senator Knudsen moved that the Resolution be considered in Committee of the Whole at 2 o'clock this afternoon. Seconded by Senator Quinn and carried.

The Senate proceeded with the Order of the Day.

Third Reading of House Bill No. 219, entitled "An Act to Amend Chapter 35 of the Revised Laws Relating to Diseases of Animals by Amending Section 447 of the Revised Laws and by Adding a New Section thereto to be known as Section 447A."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Coelho, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—9.

Noes: Senators Baker, Brown, Harvey and Makekau—4.

Not Present: Senators Chillingworth and Fairchild—2.

Third Reading of House Bill No. 220, entitled "An Act to Amend Section 1651 of the Revised Laws Relating to the Powers of Circuit Courts."

Senator Knudsen moved that the Bill be laid on the table. Seconded by Senator Baker and lost.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—10.

Noes: Senators Baker, Knudsen and Mr. President—3.

Not Present: Senators Chillingworth and Fairchild—2.

Third Reading of House Bill No. 229 entitled "An Act to Amend Section 2432 of the Revised Laws Relating to Issuance of Certificates of Title by the Court of Land Registration."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Coelho, Kalama, Knudsen, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—9.

Noes: Senators Baker, Brown, Harvey and Makekau—4.

Not Present: Senators Chillingworth and Fairchild—2.

Third Reading of House Bill No. 231 entitled "An Act to Amend Section 2566 of the Revised Laws Relating to the Annual Exhibit of Corporations."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Harvey, Kalama,

Knudsen, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes—0.

Not Present: Senators Chillingworth and Fairchild—2.

Second Reading of House Bill No. 204 entitled "An Act to Repeal Act 96 of the Session Laws of 1905, Prohibiting Certain Government Officers from Practicing Law."

Senator Makekau moved that action on the Bill be deferred until Wednesday, April 28, 1909. Seconded by Senator Coelho.

Senator Coelho moved that the Bill be laid on the table.

Seconded by Senator Harvey and carried.

Second Reading of House Bill No. 207 entitled "An Act Making Special Appropriations for Public Improvements."

Senator McCarthy moved that the Bill be Indefinitely Postponed. Seconded by Senator Woods and carried.

Senator Makekau moved to reconsider the action taken on House Bill No. 207. Seconded by Senator Coelho and lost.

Second Reading of House Bill No. 235 entitled "An Act Relative to the Payment of Taxes on Real Estate taken for Public Uses."

Upon motion of Senator McCarthy, seconded by Senator Coelho, the Bill passed Second Reading.

Second Reading of House Joint Resolution No. 10.

Upon motion of Senator Makekau, seconded by Senator Harvey, the Resolution passed Second Reading.

Second Reading of Senate Bill No. 151 entitled "An Act to Provide for the Reclamation of Lands by Special Assessments Against the Lands to be Reclaimed and other Lands to be Benefited by such Reclamation, and Appropriating the proceeds for such Purpose."

Upon motion of Senator McCarthy, seconded by Senator Coelho, the Bill was laid on the table.

At 11:07 o'clock a recess was taken subject to the call of the Chair.

At 11:13 o'clock the Senate reconvened.

A Communication (No. 318) from the House of Representatives, returning Senate Bill No. 150, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 150, which has this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

Amend Section 2 to read as follows:

"Section 2. This Act shall take effect July 1, 1909."

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Coelho moved to concur in the amendment made by the House of Representatives to Senate Bill No. 150. Seconded by Senator Fairchild and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Coelho, Fairchild, Knudsen, Makekau, Moore, Quinn, Robinson, Woods and Mr. President—11.

Noes—0.

Not Present: Senators Chillingworth, Harvey, Kalama and McCarthy—4.

A Communication (No. 319) from the House of Representatives, returning Senate Bill No. 58, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 58, which has this day passed Third Reading in the House of Repre-

sentatives of the Territory of Hawaii with the following amendments:

Amend Section 1 to read as follows:

“Section 1. That Section 1221 of the Revised Laws be and the same is hereby amended to read as follows:

Section 1221. Property exempt. Public, educational, religious, eleemosynary. The following property shall be exempt from taxation: real and personal property belonging to the Territory, to the Department of Public Instruction, to any County or City and County, to incorporated or private schools and in the actual use of such schools, to the Queen's Hospital, to the Kapiolani Maternity Home, to the Leahi Home, to any other public hospital which maintains a free ward, the property of all hospitals exempt from taxation being limited to that actually in use for hospital purposes, to religious societies and in actual use of such societies, the land of such societies exempt from taxation being limited to church sites and burying grounds, such sites and burying grounds not to exceed five acres each in extent, and the Lunalilo Home and in the actual use of such home.

All property both real and personal of public library associations shall be exempt from taxation.”

Amend Section 2 to read as follows:

“Section 2. This Act shall take effect January 1, 1910.”

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Coelho moved to concur in the amendments made by the House of Representatives to Senate Bill No. 58. Seconded by Senator Quinn and carried on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Knudsen, Makekau, Moore, Quinn, Robinson, Woods and Mr. President—9.

Noes—0.

Not Present: Senators Baker, Chillingworth, Fairchild, Harvey, Kalama and McCarthy—6.

At 11:21 o'clock Senator Robinson moved to take a recess until 2 o'clock. Seconded by Senator Coelho and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

A Communication (No. 320) from the House of Representatives, transmitting House Concurrent Resolution No. 29, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to herewith transmit House Concurrent Resolution No. 29, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED, by the House of Representatives, the Senate concurring; that the Park at the corner of Pitman and Ponahawai streets, Hilo, Hawaii, be called and known as "Kealahawaa Park."

The Communication was ordered received and placed on file.

Upon motion of Senator Coelho, seconded by Senator Knudsen, House Concurrent Resolution No. 29, was referred to the Select Committee of Hawaii Members.

Senator Coelho moved that action on House Concurrent Resolution No. 21 and Senate Concurrent Resolution No. 8 be deferred until Wednesday, April 28, 1909, immediately after the reading of the Journal. Seconded by Senator McCarthy and carried.

At 2:06 o'clock a recess was taken subject to the call of the Chair.

At 3:12 o'clock the Senate reconvened.

A Communication (No. 64) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 117, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 27, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—I hereby inform your Honorable Body that the Governor has this day, April 27, 1909, signed the following Bills:

House Bill No. 221, Act 117, entitled "An Act to Amend Section 1747 of the Revised Laws Relating to the Decision by a Court in Writing in Trials Without Jury";

House Bill No. 230, Act 118, entitled "An Act to Amend Section 121 of Act 118 of the Session Laws of 1907, entitled 'An Act Incorporating the City and County of Honolulu'";

House Bill No. 226, entitled "An Act to Amend Section 1235 of the Revised Laws Relating to Failure to Return Property for Taxation";

House Bill No. 84, Act 120, entitled "An Act to Amend Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government thereof'";

House Bill No. 217, Act 121, entitled "An Act to Amend Section 1 of Act 97 of the Session Laws of 1907 Relating to the Sinking Fund for the Redemption or Purchase of Territorial Bonds";

House Bill No. 205, Act 122, entitled "An Act to Provide for the Payment of the Expenses of the Several District Courts";

House Bill No. 91, Act 123, entitled "An Act to Authorize the Deposit of Territorial Moneys in Banks in This Territory";

House Bill No. 218, Act 124, entitled "An Act to Amend Section 1068 of the Revised Laws, as Amended by Act 48 of the Session Laws of 1905";

Senate Bill No. 131, Act 125, entitled "An Act to Amend Section 1103 of Chapter 91 of the Revised Laws of Hawaii";

House Bill No. 224, Act 126, entitled "An Act Relating to the Taxation of Insurance Companies, Amending Section 2621 of the Revised Laws of Hawaii";

House Bill No. 228, Act 127, entitled "An Act Relating to the College of Agriculture and Mechanic Arts, Amending Section 3 of Act 24 of the Laws of 1907".

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

By D. L. CONKLING,
Chief Clerk.

The Communication was ordered received and placed on file.

A Communication (No. 321) from the House of Representatives, informing the Senate of its concurrence in the amendments made to House Bill No. 231, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 231.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 322) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 220, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 220.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 323) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Bill No. 229, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day concurred in the amendment made by your Honorable Body to House Bill No. 229.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 324) from the House of Representatives, returning Senate Joint Resolution No. 3, was read by the Clerk as follows:

SENATE JOURNAL.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Joint Resolution No. 3, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. A Communication (No. 325) from the House of Representatives, transmitting House Concurrent Resolution No. 30, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 30, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED by the House of Representatives of the Fifth Legislature of Hawaii, the Senate concurring,

That the Chairman of the Printing Committee of the House of Representatives be authorized to order the printing and binding of 500 pamphlets containing the proceedings in connection with Address of Hon. C. W. Fairbanks of the Legislature of Hawaii,

the House and Senate sitting in Joint Session, Monday, April 26, 1909.

RESOLVED FURTHER, that said pamphlets be distributed among the Senators and Representatives for further distribution by them and the cost of said printing be borne by the Senate and House.

The Communication was ordered received and placed on file.

Upon motion of Senator McCarthy, seconded by Senator Chillingworth, House Concurrent Resolution No. 30, was adopted.

At 3:24 o'clock a recess was taken subject to the call of the Chair.

At 3:32 o'clock the Senate reconvened.

A Communication (No. 326) from the House of Representatives, transmitting House Concurrent Resolution No. 31, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to transmit herewith House Concurrent Resolution No. 31, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

WHEREAS, it is desirable and in the interests of the public that a road should be opened and constructed through the home-
stead lots at Palolo valley, Oahu; and

WHEREAS, certain laws have already been passed by the Legislature of the Territory of Hawaii, which permit the sale of Government lands and the use of the proceeds for acquiring other property for public purposes, this Act together with the laws already on the statute books providing ample means for the opening and construction of said Palolo valley road;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring, that it is the sense of the Legislature of the Territory of Hawaii that the Superintendent of Public Works immediately take steps toward the opening and construction of the said Palolo Belt Road.

The Communication was ordered received and placed on file.

Upon motion of Senator McCarthy, seconded by Senator Chillingworth, House Concurrent Resolution No. 31 was adopted.

At 3:34 o'clock Senator Woods moved to adjourn. Seconded by Senator Chillingworth and carried.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

SIXTIETH DAY.

Wednesday, April 28, 1909.

The Senate met, pursuant to adjournment, at 10 o'clock.

After prayer by the Chaplain, the Roll was called showing Senators Fairchild and Knudsen absent.

The Journal of the Fifty-Ninth Day was read and, upon motion of Senator Coelho, seconded by Senator Fairchild, approved as read.

A Communication (No. 327) from the House of Representatives, returning Senate Bill No. 117, as amended, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 27, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 117, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 10 of Section 1, strike out the words "eight per cent. per annum" and insert in lieu thereof the words "one per cent. per month".

In Section 2, line 9, strike out the words "eight per cent. per annum" and insert in lieu thereof the words "one per cent. per month".

Very respectfully yours,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file. Senator Robinson moved that the Senate concur in the amendments made to Senate Bill No. 117. Seconded by Senator Chillingworth and carried on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Fairchild, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—14.

Noes—0.

Not Present: Senator Knudsen—1.

The Senate proceeded with the consideration of House Bill No. 235 entitled "An Act Relative to the Payment of Taxes on Real Estate taken for Public Uses," on Third Reading.

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Kalama, Moore, Quinn, Robinson, Woods and Mr. President—9.

Noes: Senators Baker and Harvey—2.

Not Present: Senators Fairchild, Knudsen, Makekau and McCarthy—4.

Third Reading of House Joint Resolution No. 10.

The Joint Resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Makekau, Moore, Robinson, Woods and Mr. President—11.

Noes—0.

Not Present: Senators Fairchild, Knudsen, McCarthy and Quinn—14.

A Communication (No. 328) from the House of Representatives, returning Senate Bill No. 152, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 28, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 152, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 65) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 128, 129, 130, 131, 132 and 133 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING,

Secretary of Hawaii.

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii.

Sir:—I hereby notify your Honorable Body that the Governor on April 27, 1909, signed the following Bills:

House Bill No. 122, Act 128, entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907;"

House Bill No. 225, Act 129, entitled "An Act to Amend Section 1266 of the Revised Laws as Amended Relating to Tax Liens;"

Senate Bill No. 85, Act 130, entitled "An Act to Amend Section 78 of Act 118 of the Session Laws of 1907, entitle 'An Act Incorporating the City and County of Honolulu';"

Senate Bill No. 147, Act 131, entitled "An Act to Amend Sections 1155 and 1157 of the Revised Laws Relating to Records of Births, Deaths and Marriages;"

House Bill No. 232, Act 132, entitled "An Act to Amend Section 1136 of the Revised Laws Relating to the Carrying of Persons Suffering from Contagious or Infectious Diseases or Leprosy in Steam Coasting Vessels;"

Senate Bill No. 86, Act 133, entitled "An Act to Amend Section 1069 of Chapter 89 of the Revised Laws of Hawaii Relating to Medicine and Surgery."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

At 10:29 o'clock the Senate resolved itself into Committee of the Whole for the consideration of House Concurrent Resolution No. 21 and Senate Concurrent Resolution No. 8, Senator Makekau in the Chair.

At 11:26 o'clock the Senate came to order, Senator Makekau, for the Committee of the Whole, reporting, recommending the adoption of House Concurrent Resolution No. 21 with Section 5 of the Bill accompanying the same stricken out.

Senator Harvey moved that the Report of the Committee be adopted. Seconded by Senator McCarthy.

The President here called the Vice-President to the Chair.

Senator Smith moved that the Resolution be adopted as passed by the House of Representatives. Seconded by Senator Fairchild.

The Chair rules the motion to adopt the Resolution as passed by the House of Representatives out of order.

The motion to adopt the Report of the Committee of the Whole was then put and carried on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Harvey, Makekau, McCarthy, Moore, Quinn, Robinson and Woods—9.

Noes: Senators Baker, Chillingworth, Fairchild, Kalama, Knudsen and Mr. President—6.

A Communication (No. 329) from the House of Representatives, returning Senate Bill No. 153, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 28, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to return herewith Senate Bill No. 153, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

Upon motion of Senator McCarthy, seconded by Senator Fairchild, Senate Concurrent Resolution No. 8 was laid on the table.

The Senate proceeded with the consideration of the Message (No. 2) of the Governor, relating to Appointments subject to confirmation.

Senator Fairchild moved that the appointments of "James W. Pratt" as Commissioner of Public Lands and "Walter E. Wall," as Surveyor be not acted on. Seconded by Senator McCarthy and carried.

Senator McCarthy moved that the appointment of "Mrs. Mary Wilcox," a Commissioner of Public Instruction, be confirmed. Seconded by Senator Coelho and carried.

Senator Fairchild moved that the appointment of "Antonio Perry," a Commissioner of Public Instruction, be not acted on. Seconded by Senator McCarthy and carried.

At 11:40 o'clock a recess was taken subject to the call of the Chair.

At 11:50 o'clock the Senate reconvened.

Senator Coelho moved to take a recess until 2 o'clock. Seconded by Senator Fairchild and carried.

AFTERNOON SESSION.

The Senate reconvened at 2 o'clock.

At 2:01 o'clock a recess was taken subject to the call of the Chair.

At 2:18 o'clock the Senate reconvened.

A Communication (No. 330) from the House of Representatives, informing the Senate of its non-concurrence in the amendments made to House Concurrent Resolution No. 21, and of the Appointment of a Conference Committee for the further consideration of the same, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 28, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to notify your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendments made by your Honorable Body to House Concurrent Resolution No. 21, and that the Speaker has appointed the following Conferees from the House: Honorables Douthitt, Castro and Kaleiopu.

Respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

The Chair appointed the following to act as a Conference Committee for the further consideration of House Concurrent Resolution No. 21:

Senators Fairchild, McCarthy and Quinn.

Senator Coelho for the Select Committee of Maui Members, asked leave to return Senate Resolution No. 32, satisfactory arrangements having been made to attain the object of the Resolution. Granted.

At 2:20 o'clock a recess was taken subject to the call of the Chair.

At 2:50 o'clock the Senate reconvened.

A Message (No. 19) from the Governor, vetoing certain items of House Bill No. 74, was received.

Action on the Message was deferred.

At 2:51 o'clock a recess was taken subject to the call of the Chair.

At 3:15 o'clock the Senate reconvened.

A Message (No. 20) from the Governor, submitting additional appointments subject to confirmation, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,

Executive Chamber,

Honolulu, April 28, 1909.

To the Senate:

I hereby nominate and propose, with the advice and consent of the Senate, to make the following appointments:

President and Member of the Board of Health

Ernest A. Mott-Smith

Member of the Board of License Commissioners For the County of Hawaii

Albert Horner

Members of the Board of Commissioners of Public Archives

William D. Alexander
George R. Carter

Member of the Board of Medical Examiners

George Herbert

The three last named are proposed for reappointment.

WALTER F. FREAR,
Governor of Hawaii.

Senator McCarthy moved that the appointment of "Ernest A. Mott-Smith" as President and Member of the Board of Health be confirmed. Seconded by Senator Fairchild

Senator Makekau moved that action on the appointment be deferred. Seconded by Senator Brown and carried.

Senator Makekau moved that the appointment of "Albert Horner," Member of the Board of License Commissioners for the County of Hawaii, be confirmed. Seconded by Senator Woods and carried.

Senator McCarthy moved that the appointment of "William D. Alexander", Member of the Board of Commissioners of Public Archives, be confirmed. Seconded by Senator Chillingworth and carried.

Senator Knudsen moved that the appointment of "George R. Carter", Member of the Board of Commissioners of Public Archives, be confirmed. Seconded by Senator Fairchild and carried.

Senator Fairchild moved that the appointment of "George Herbert", Member of the Board of Medical Examiners, be confirmed. Seconded by Senator Coelho and carried.

Under suspension of the Rules, Senator McCarthy presented the Report (No. 13) of the Special Joint Conference Committee on House Concurrent Resolution No. 22, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate;

Honorable H. L. Holstein,
Speaker of the House of Representatives.

Gentlemen:—Your Special Joint Conference Committee to which was referred House Concurrent Resolution No. 22, offered by Hon. J. C. Cohen, begs leave to report that it has agreed to strike out the amendments adopted by the Senate and recommends the adoption of the Resolution as originally introduced in the House.

Respectfully submitted,

C. J. MCCARTHY,
Chairman.

CHAS. F. CHILLINGWORTH,
F. R. HARVEY,
J. C. COHEN,
A. S. KALEIOPU,
ROBERT W. SHINGLE.

Senator Knudsen moved to adopt the Report of the Committee on the Resolution. Seconded by Senator Fairchild and carried.

Under suspension of the Rules, Senator Fairchild presented the Report (No. 14) of the Special Joint Conference Committee on House Concurrent Resolution No. 21, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate;

Honorable H. L. Holstein,
Speaker of the House of Representatives.

Gentlemen:—Your Special Joint Conference Committee to which was referred House Concurrent Resolution No. 21, relating to amendments to the Organic Act, as amended in the Senate, begs leave to report as follows:

Your Committee after due and careful consideration recommends that said Resolution be adopted in the House and the Senate as first adopted in the House of Representatives; the Senate conferees having yielded to the House.

Respectfully submitted,

GEO. H. FAIRCHILD,
Chairman.

E. A. DOUTHITT,
A. D. CASTRO,
A. S. KALEIOPU,
E. W. QUINN.

I do not concur:

C. J. McCARTHY.

Senator Fairchild moved to adopt the Report of the Committee. Seconded by Senator Knudsen.

Senator McCarthy moved that the Senate do not adopt the Report of the Committee. Seconded by Senator Woods.

The motion to adopt the Report of the Committee was then put and lost on the following showing of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Fairchild, Kalama, Knudsen, Quinn and Mr. President—7.

Noes: Senators Brown, Coelho, Harvey, Makekau, McCarthy, Moore, Robinson and Woods—8.

The Message (No. 19) of the Governor, vetoing certain items of House Bill No. 74, was read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,

Executive Chamber,

Honolulu, April 28, 1909.

To the Legislature:

I herewith return House Bill No. 74, entitled "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1911," which I have approved with the exception of the following items which I do not approve and hereby veto:

ATTORNEY GENERAL'S DEPARTMENT.

High Sheriff, Prisons:

Deputy High Sheriff and Clerk (\$100.00).....\$ 2,400.00

TREASURY DEPARTMENT.

Bookkeeper, Deputy Insurance Commissioner (\$175.00) 4,200.00

Bureau of Taxes:

Third Taxation Division, Hawaii:

Clerk and Interpreter (\$60.00)..... 1,440.00

PUBLIC WORKS, PUBLIC LANDS AND SURVEY.

Landings and Wharves:

Landings and Concrete Walls, Mahukona, Hawaii, provided, however, that no such money shall be expended unless said landing is constructed on Government Land\$13,300.00
New Landing and Warehouse, Hanalei, Kauai..... 10,000.00

BOARD OF HEALTH.

Hospitals:

Queen's Hospital\$24,000.00
Malulani Hospital, Maui (for period ending December 31, 1909)..... 2,875.00
Hilo Hospital (for period ending December 31, 1909).. 2,875.00

THE COURTS.

Circuit Courts:

First Circuit Court and Land Court.

3 Clerks to assist in the Court Room and Clerks' Office

(\$100.00 each)\$ 7,200.00

Fourth Circuit:

Assistant Clerk, Messenger and Interpreter (\$100.00).. 2,400.00

While the legislature has endeavored with a commendable business-like spirit to bring the appropriations within the revenues and by various enactments to place the Territory and the Counties, singly and in relation to each other, upon a sound financial basis, it has been found impossible to do all in this direction that either your honorable body or the administration desires. Financial safety and stability seem to require that the amount appropriated in the bill in question should be reduced to an appreciable extent—at least in order to justify turning over to the counties considerable additional revenue. It is difficult to determine which items may best be dispensed with and I have concluded to veto those mentioned only after most careful consideration and in some cases with great regret that financial conditions oblige me to take this step.

The item for the salary of the Deputy High Sheriff and Clerk may well be omitted on its own merits as being unnecessary now that the duties of the High Sheriff have been greatly reduced by the transfer of jails and misdemeanor prisoners to the care of the counties and in view of the proposed policy of relieving him for the most part of the duty of serving process for the courts by leaving that duty to the county sheriffs, where it more properly belongs.

In the Treasury Department, the item for the salary of the Bookkeeper and Deputy Insurance Commissioner is the only one that can safely be dispensed with under the wording of the appropriation bill.

Under the Bureau of Taxes, Third Taxation Division, there is no occasion for the separate item for the salary of the Clerk and Interpreter. That division may well be placed in the same status in this respect as the other divisions.

Under the Public Works Department, the items for Landings at Mahukona and Hanalei are somewhat exceptional in this appropriation bill and might better, in view of the financial situation, have been put in a loan bill. They are less needed than landings at some other points. There seems to be no urgent reason for selecting these two places in particular. Other equally or more important items remain unprovided for through the failure of the loan bill.

Under the Board of Health, the policy has been adopted by the legislature of turning over hospitals to the counties and there appears to be no sufficient reason why the hospitals at Wailuku and Hilo should not be so turned over at the beginning of the period as well as six months later. There will be ample time to make the necessary arrangements.

Much can be said against dispensing with the item for the Queen's Hospital, and it is with great reluctance that I veto this; but if the Territorial expenditures are to be kept within the revenues, it is necessary to omit some items and this is one of those which may most appropriately be omitted,—not indeed with the idea that that hospital should cease receiving government aid, but with the idea that the City and County of Honolulu should furnish such aid. The additional revenue which that city and county will receive during the next biennial period in excess of what it has received during the current period will far exceed the amount of its increased expenditures, including this item, occasioned by laws passed at the present session, and that city and county is in a far better financial situation to extend this aid than is the Territory.

Under the Judiciary Department, the item which may best be dispensed with is that for the salaries of three clerks to assist in the court room and clerk's office in the first circuit court. There is indeed no necessity for this item. Although there is less business in that court now than there was for some years recently, this legislature has in the bill now in question given that court one additional clerk for the clerk's office and has increased the salaries of three of its interpreters. This additional clerk and the five interpreters, who have much spare time, may easily render the services intended to be performed by these three assistant clerks, whose duties are intended to be mainly those of bailiffs, but if not, additional assistance may be furnished by the City and County of Honolulu, one of the duties of whose sheriff is, by express provision in the City and County Act, to attend the circuit court.

The item for the salary of the Assistant Clerk of the Fourth Circuit Court may also be dispensed with without crippling the work of that court.

The question is not what is desired, but what is necessary in view of the financial conditions.

WALTER F. FREAR,
Governor of Hawaii.

At 3:38 o'clock a Message (No. 21) from the Governor, informing the Senate of the resignation of Mark P. Robinson, President of the Board of Health, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,

Executive Chamber,

Honolulu, T. H., April 28, 1909.

To the Senate:

Understanding that your honorable Body desires information as to whether a vacancy in the presidency of the Board of Health exists, I have the honor to state that there does exist a vacancy at the present time, the president, Hon. M. P. Robinson, having resigned from that office this day.

WALTER F. FREAR,

Governor of Hawaii.

The Message was ordered received and placed on file.

Senator Kalama moved to take up for consideration the Appointment of Ernest A. Mott-Smith, President and Member of the Board of Health. Seconded by Senator Fairchild and carried.

Senator McCarthy moved that the Appointment be confirmed. Seconded by Senator Fairchild and carried.

At 3:55 o'clock, upon motion of Senator Chillingworth, seconded by Senator Kalama, a recess was taken until 4:20 o'clock.

At 4:20 o'clock the Senate reconvened.

At 4:21 o'clock a recess was taken subject to the call of the Chair.

At 4:47 o'clock the Senate reconvened.

Under suspension of the Rules, Senator Quinn presented the Report (No. 282) of the Committee on Accounts on the Expenses of the Session, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 28, 1909.

Honorable Wm. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Accounts begs leave to herewith present a report of moneys expended by the Senate to and including Wednesday, April 28, 1909, the 60th day of the Session.

Amount drawn from Territorial Appropriation.....	\$ 8,301.35
Amount drawn from Federal Appropriation.....	8,378.85
	<hr/>
	\$16,680.20

The amount drawn from Territorial Appropriation. \$ 8,301.35
is segregated as follows:

Compensation of Senators.	\$ 6,000.00
Printing.	541.00
Translating.	275.50
Laundry.	2.00
Typewriting.	98.35
Legal Services.	575.00
Trip to Diamond Head Forts, College of Hawaii, Boys' Industrial School, Ka- lihi Receiving Station, Public Lands Committee trip to Experimental Sta- tion, etc.	162.50
Subscriptions to Newspapers	117.75
Wireless re Investigation Board of Agri- culture and Forestry.	6.30
Hire of Typewriter	10.00
Trip to Molokai.	312.95
Extra Compensation of Officers.....	200.00
	<hr/>
	\$ 8,301.35

The amount drawn from Federal Appropriation... \$ 8,378.85
is segregated as follows:

Mileage of Senators	\$ 263.80
Cost of Remodeling Senate Chamber, Rail- ing, Committee Rooms, President's Desk, etc.	1,786.99
Printing.	1,788.60

Typewriting.	1,023.32
Salaries and Clerk Hire.	2,803.00
Postage.	60.00
Stationery, Members Cards, Committee Cards; Printing of same.	245.45
Supplies, Office Supplies, Record Books, Cable to President Taft.	334.69
Ice Bill.	2.75
Telephone Bill.	12.50
Distilled Water.	2.50
Committee trip to Nuuanu Dam.	20.00
Senate Journal, Call for Tenders.	35.25
	<hr/>
	\$ 8,378.85

The average cost per diem of the necessary running expenses for the 60 days of this Session to date, exclusive of Sen- ators' Compensation and Permanent Fixtures is.	\$ 148.22
Balance on hand Territorial Appropriation	11,698.65
Balance on hand Federal Appropriation. . .	1,621.15
	<hr/>
	\$13,319.80

The Printing of Bills in English and Ha- waiian.	\$ 2,329.60
And Sundry Amounts paid to Printing Of- fices.	363.70
	<hr/>
	\$ 2,693.30

Is segregated as follows:

Evening Bulletin Publishing Co.	\$ 698.35
Hawaiian Gazette Co.	641.95
Hawaiian Star Newspaper Ass'n.	685.65
Paradise of the Pacific.	667.35
	<hr/>
	\$ 2,693.30

The amount paid for Printing of Bills, etc	\$ 2,329.60
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Is segregated as follows:

Printed in English.

144 Senate Bills passed First Reading. . . .	\$ 1,302.15
1 Senate Bill Reprinted	128.30
4 House Bills Printed.	41.70
1 Communication.	9.90

4 Standing Committee Reports	95.85	
3 Senate Joint Resolutions	13.65	
2 Senate Concurrent Resolutions	108.60	
1 Senate Resolution	36.25	
2 Messages from the Governor.....	47.70	
1 House Resolution.	4.50	
		<hr/>
		\$ 1,788.60
163		

Printed in Hawaiian.

89 Senate Bills passed Third Reading... \$	530.50	
3 Senate Joint Resolutions	10.50	
		<hr/>
		\$ 541.00
92		
		<hr/>
255 Total.		\$ 2,329.60
		<hr/>
The cost of translating the 89 Senate Bills and 3 Senate Joint Resolutions amounts to.		\$ 275.50

Respectfully submitted,

E. W. QUINN,
Chairman;
WM. T. ROBINSON,
PALMER P. WOODS.

Upon motion of Senator Knudsen, seconded by Senator Fairchild, the Report of the Committee was accepted and placed on file.

At 4:44 o'clock a recess was taken until 8 o'clock this evening.

EVENING SESSION.

The Senate reconvened at 8 o'clock.

A Communication (No. 331) from the House of Representatives, informing the Senate of its adoption of the Report of the Special Joint Conference Committee on House Concurrent Resolution No. 22, was read by the Clerk as follows:

SENATE JOURNAL.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 28, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the
Report of the Special Joint Conference Committee on House
Concurrent Resolution No. 22 was this day adopted in the House
of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 332) from the House of Represent-
atives, informing the Senate of its sustaining the Veto of the
Governor on certain items of House Bill No. 74, was read by
the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 28, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the
veto of the Governor on the following items of House Bill No.
74, was this day sustained in the House of Representatives of
the Territory of Hawaii:

ATTORNEY GENERAL'S DEPARTMENT.

High Sheriff, Prisons:

Deputy High Sheriff and Clerk (\$100.00).....\$ 2,400.00

TREASURY DEPARTMENT.

Bookkeeper, Deputy Insurance Commissioner (\$175) 4,200.00

Bureau of Taxes:

Third Taxation Division, Hawaii—

Clerk and Interpreter (\$60.00)..... 1,440.00

PUBLIC WORKS, PUBLIC LANDS AND SURVEY.

Landing and Wharves:

Landings and Concrete Walls, Mahukona, Hawaii, provided, however, that no such money shall be expended unless said landing is constructed on Government Land.	13,300.00
New Landing and Warehouse, Hanalei, Kauai.....	10,000.00

BOARD OF HEALTH.

Hospitals:

Queen's Hospital.	\$24,000.00
Malulani Hospital, Maui (for period ending De- cember 31, 1909).	2,875.00
Hilo Hospital, Hawaii (for period ending Decem- ber 31, 1909).	2,875.00

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 333) from the House of Representatives, informing the Senate of the passage of certain items of House Bill No. 74 notwithstanding the Veto of the Governor, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 28, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the following items of House Bill No. 74 this day passed in the House of Representatives of the Territory of Hawaii, notwithstanding the veto of the Governor:

THE COURTS.

Circuit Courts:

First Circuit Court and Land Court—

3 Clerks to assist in the Court Room and Clerks'

Office (\$100.00 each)\$ 7,200.00

Fourth Circuit:

Assistant Clerk, Messenger and Interpreter (\$100) 2,400.00

Very respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 334) from the House of Representatives, informing the Senate of its adoption of the Report of the Special Joint Conference Committee on House Concurrent Resolution No. 21, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 28, 1909.

The Honorable President and

Members of the Senate of the

Territory of Hawaii.

I have the honor to inform your Honorable Body that the Report of the Special Joint Conference Committee on House Concurrent Resolution No. 21, was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was ordered received and placed on file.

A Communication (No. 66) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 134, 135, 136, 137, 138 and 139 and Joint Resolution No. 5, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—The honor falls upon me to notify your Honorable Body that the Governor has this day, April 28, 1909, signed the following bills and joint resolution:

Senate Bill No. 152, Act 134, entitled "An Act Making an Additional Appropriation for the Use of the Second Circuit Court for the Biennial Period Ending the thirtieth day of June, 1909";

Senate Bill No. 153, Act 135, entitled "An Act to Amend Section 2569 of the Revised Laws of Hawaii, Relating to the Dissolution of Corporations";

Senate Bill No. 112, Act 136, entitled "An Act to Amend Section 1203 of the Revised Laws of Hawaii";

House Bill No. 200, Act 137, entitled "An Act Giving Warehousemen a Lien for Storage and Authorizing its Enforcement by Sale";

House Bill No. 219, Act 138, entitled "An Act to Amend Chapter 35 of the Revised Laws Relating to Diseases of Animals by Amending Section 447 of the Revised Laws and by Adding a New Section Thereto to be Known as Section 447A";

House Bill No. 229, Act 139, entitled "An Act to Amend Section 2432 of the Revised Laws Relating to Issuance of Certificates of Title, by the Court of Land Registration";

House Joint Resolution No. 10, Joint Resolution 5, naming the public park at Waiakea, Hilo, Hawaii, "Kauikeaouli Park".

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 67) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 140, 141 and 142 and Joint Resolution No. 6, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—It gives me pleasure to inform your Honorable Body that the Governor has this day, April 28, 1909, signed the following bills and joint resolution:

Senate Bill No. 149, Act 140, entitled "An Act to Authorize the Treasurer of the Territory to Pay to the Treasurers of the Several Counties Special Road Fund Deposits";

Senate Bill No. 58, Act 141, entitled "An Act to Amend Section 1221 of the Revised Laws, Relating to Property Exempt from Taxation";

Senate Bill No. 150, Act 142, entitled "An Act Making Additional Appropriation for Current Expenses for the Biennial Period Ending June 30, 1911";

Senate Joint Resolution No. 3, Joint Resolution 6, in regard to the appointment of a School Fund Commission.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. Under suspension of the Rules, Senator Kalama presented the Report (No. 287) of the Committee on Public Lands, Internal Improvements, Agriculture, etc., on House Concurrent Resolution No. 19, as follows:

SENATE CHAMBER,

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Honolulu.

Sir:—Your Committee on Public Lands and Internal Improvements, to which was referred House Concurrent Resolution No. 19, relative to the expenditures of the Board of Agriculture

and Forestry during the biennial period ending June 30, 1911, as well as other timely recommendations to said Board, among which is mentioned the re-forestration of those now denuded portions of former forests of the Territory; the establishment of sub-stations on each island for nurseries and distributing centers; the translation of bulletins of said Board for distribution to those interested in its work; the sinking of artesian wells in Kapiolani Park; the direct imparting of technical information to persons interested in its various functions; and lastly, that the Island of Kahoolawe should not be again leased upon the termination of the present existing lease, offered by Representative R. W. Shingle in the House of Representatives on April 14 last, begs leave to submit its report.

That after due and careful consideration of the various subjects treated by the Resolution, your Committee deems them, in their respective spheres, to be of the utmost importance and feels that they should not be lost sight of altogether during the closing hours of the present session.

Your Committee considers the provision strongly recommending the translation of certain bulletins of the Board for dissemination among the native people to be all important, in that it may be the means of imparting understanding to them which they have not had the benefit of in the past and, furthermore, it may result in giving them a better understanding of the Board's various functions. This can only be done by translating as therein recommended, in order that the same should be disseminated among them, that they may avail themselves of the benefits to be thereby gleaned and ultimately gain the knowledge to be derived therefrom. It is a fact only too well known that the opposition to appropriations for the Board in the past sessions of the Legislature has mainly come from Hawaiian members, this through lack of information and knowledge as to its work in its various branches. It is hoped that when such is carried out faithfully, which your Committee has no reason to doubt, and coupled with the further recommendations requiring semi-annual visits to be made for the purpose of imparting direct information, will have the desired effect of removing any further opposition.

In finally recommending the adoption of the Resolution, your Committee is called upon to amend the same by striking out the recommendation wherein "it urges upon the Board the advisability of expending the sum of Five Thousand Dollars or so much thereof as may be necessary for the sinking of artesian

wells at Kapiolani Park." And with such an amendment, the Resolution should be adopted.

Respectfully submitted,

S. E. KALAMA,
Chairman;
PALMER P. WOODS.

Senator Kalama moved that the Report of the Committee be adopted. Seconded by Senator Coelho.

Senator Moore moved that the Report of the Committee be laid on the table. Seconded by Senator Quinn.

The motion to lay the Report of the Committee on the table was then put and lost.

The motion to adopt the Report of the Committee, being put, carried.

The Senate proceeded with the consideration of the Message (No. 19) of the Governor, vetoing certain items of House Bill No. 74.

Senator Kalama moved to reconsider the passage of the items on the Veto of the Governor. Seconded by Senator Coelho and carried.

"Attorney General's Department.

High Sheriff, Prisons—

Deputy High Sheriff and Clerk (\$100.00).....\$ 2,400.00"

The item failed to pass on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Harvey, McCarthy, Moore, Quinn, Robinson and Mr. President—8.

Noes: Senators Baker, Chillingworth, Fairchild, Kalama, Makekau and Woods—6.

Not Present: Senator Knudsen—I.

"Treasury Department.

Bookkeeper, Deputy Insurance Commissioner

(\$175.00). \$ 4,200.00"

The item failed to pass on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Harvey, McCarthy, Moore, Quinn, Robinson and Mr. President—9.

Noes: Senators Baker, Fairchild, Kalama, Makekau and Woods—5.

Not Present: Senator Knudsen—I.

"Bureau of Taxes.

Third Taxation Division, Hawaii—

Clerk and Interpreter (\$60.00).....\$ 1,440.00"

The item passed, notwithstanding the Veto of the Governor, on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Harvey, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—10.

Noes: Senators Baker, Fairchild, Kalama and Makekau—4.

Not Present: Senator Knudsen—1.

"Public Works, Public Lands and Survey.

Landings and Wharves—

Landings and Concrete walls, Mahukona, provided, however, that no such money shall be expended unless said landing is constructed on Government Land.\$13,300.00"

The item failed to pass on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Harvey, McCarthy, Quinn, Robinson and Mr. President—7.

Noes: Senators Baker, Chillingworth, Fairchild, Kalama, Makekau, Moore and Woods—7.

Not Present: Senator Knudsen—1.

"New Landing and Warehouse, Hanalei, Kauai...\$10,000.00"

The item failed to pass on the following showing of Ayes and Noes:

Ayes: Senators Brown, Coelho, Harvey, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—9.

Noes: Senators Baker, Chillingworth, Fairchild, Kalama, Knudsen and Makekau—6.

"Board of Health.

Hospitals—

"Queen's Hospital.\$24,000.00"

The item passed, notwithstanding the veto of the Governor, on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—13.

Noes: Senators Fairchild and Knudsen—2.

"Malulani Hospital, Maui, (for period ending December 31, 1909) \$ 2,875.00"

The item passed, notwithstanding the veto of the Governor, on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn Robinson, Woods and Mr. President—12.

Noes: Senators Baker, Fairchild and Knudsen—3.

"Hilo Hospital, Hawaii, (for period ending December 31, 1909) \$ 2,875.00"

The item passed, notwithstanding the Veto of the Governor, on the following showing of Ayes and Noes:

Ayes: Senators Brown, Chillingworth, Coelho, Harvey, Kalama, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—12.

Noes: Senators Baker, Fairchild and Knudsen—3.

"The Courts.

Circuit Courts—

First Circuit Court and Land Court:

"3 Clerks to assist in the Court Room and Clerks'

Office (\$100.00 each) \$ 7,200.00"

The item passed, notwithstanding the veto of the Governor, on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—10.

Noes: Senators Coelho, Fairchild, Harvey, Kalama and Knudsen—5.

"Assistant Clerk, Messenger and Interpreter

(\$100.00). \$ 2,400.00"

The item passed, notwithstanding the veto of the Governor, on the following showing of Ayes and Noes:

Ayes: Senators Baker, Brown, Chillingworth, Harvey, Makekau, McCarthy, Moore, Quinn, Robinson, Woods and Mr. President—11.

Noes: Senators Coelho, Fairchild, Kalama and Knudsen—4.

Senator Makekau moved to reconsider the action taken on the item

"Public Works, Public Lands and Survey.**Landings and Wharves—**

Landing and Concrete walls, Mahukona, Hawaii, provided, however, that no such money shall be expended unless said landing is constructed on Government Land. \$13,300.00"

Seconded by Senator Woods and lost.

At 9:15 o'clock a recess was taken subject to the call of the Chair.

At 10:07 o'clock the Senate reconvened.

A Communication (No. 68) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 144 and 145 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.**Secretary of Hawaii.**

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—I have the honor to notify your Honorable Body that the Governor has this day, April 28, 1909, signed the following bills:

Senate Bill No. 127, Act 144, entitled "An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government thereof;'"

Senate Bill No. 76, Act 145, entitled "An Act to Amend Section 1 of Act 53 of the Laws of 1907, Relating to Witnesses' Fees and Mileage."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
A Communication (No. 335) from the House of Representatives, informing the Senate of its concurrence in the amendment made to House Concurrent Resolution No. 19, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 28, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that the ..
amendment made by you to House Concurrent Resolution No. 19,
was this day concurred in by the House of Representatives of
the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

The Communication was ordered received and placed on file.
A Communication (No. 336) from the House of Representatives, informing the Senate of the passage of Senate Bill No. 67, notwithstanding the veto of the Governor, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVESE.

Honolulu, T. H., April 28, 1909.

The Honorable President and
Members of the Senate of the
Territory of Hawaii.

I have the honor to inform your Honorable Body that Senate
Bill No. 67 this day passed in the House of Representatives of
the Territory of Hawaii, notwithstanding the veto of the
Governor.

Very respectfully,

EDWARD WOODWARD,
Clerk, House of Representatives.

'The Communication was ordered received and placed on file.
A Communication (No. 69) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 151 and 152 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 28, 1909

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:--I have the honor to notify your Honorable Body that the Governor has this day, April 28, 1909, signed the following bills:

House Bill No. 195, Act 151, entitled "An Act Relating to the Issuance of Licenses, and the Collection and Disposition of Fees Arising Therefrom";

Senate Bill No. 30, Act 152, entitled "An Act Relating to the Disposition of Fines, Costs and Bail Moneys in Certain Cases".

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
A Communication (No. 70) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 149 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:--It give me pleasure to notify your Honorable Body

that the Governor has this day, April 28, 1909, signed the following bill:

House Bill No. 164, Act 149, entitled "An Act to Provide for the Examination, Detention, Custody and Care of Insane Persons, and for the Appointment of Commissioners to Examine such Insane Persons and Defining their Duties, and to Repeal Sections 1116, 1117, 1118 and 1119 of the Revised Laws of Hawaii."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.
At 10:40 o'clock a recess was taken subject to the call of the Chair.

At 10:58 o'clock the Senate reconvened.

A Communication (No. 71) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the numbering of Senate Bill No. 67 as Act 148 and House Bill No. 74 as Act 150, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—I have the honor to inform your Honorable Body that Senate Bill No. 67 has been numbered Act 148, and House Bill No. 74 has been numbered Act 150 of the Session Laws of 1909.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file.

A Communication (No. 72) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Act 143 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—The honor falls upon me to notify your Honorable Body that the Governor has this day, April 28, 1909, signed the following bill:

Senate Bill No. 56, Act 143, entitled "An Act to Prohibit Persons from Associating Themselves together in Military Companies or Organizations or for Military Purposes, and, or the Giving or Receiving of Military Instruction."

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The Communication was ordered received and placed on file. A Communication (No. 73) from E. A. Mott-Smith, Secretary of Hawaii, informing the Senate of the signing of Acts 146 and 147 and Joint Resolution No. 7 by the Governor, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 28, 1909.

Honorable W. O. Smith,
President of the Senate,
Legislature of Hawaii,
Honolulu.

Sir:—This is to notify your Honorable Body that the Governor has this day, April 28, 1909, signed the following bills and Joint Resolution:

House Bill No. 231, Act 146, entitled "An Act to Amend Section 2566 of the Revised Laws Relating to the Annual Exhibit of Corporations";

House Bill No. 64, Act 147, entitled "An Act to Amend Sections 1, 5, 12 and 25 of Act 102 of the Laws of 1905, Relating to the Inheritance Tax";

House Joint Resolution No. 7, Joint Resolution 7, relating to the appointment of a commission to be known as the Commission on Stamp Duties and Licenses.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

By D. L. CONKLING,
Chief Clerk.

The Communication was ordered received and placed on file.

Senator Chillingworth moved that all Bills, Resolutions and other matters in the hands of Committees be returned to the Clerk of the Senate to be laid on the table. Seconded by Senator Knudsen and carried.

The Chair appointed the following as a Committee to await upon the Governor and House of Representatives to inform them that the Senate had no further business to present and was ready to adjourn sine die: Senators Kalama, Knudsen and McCarthy.

At 11:13 o'clock a Committee from the House of Representatives informed the Senate that the House had no further business to present and was ready to adjourn sine die.

At 11:19 o'clock the Committee appointed to await upon the Governor and House of Representatives returned Senator Kalama reporting that there was no further business to come from the House or the Governor.

The foregoing Journal of the Sixtieth Day was read and, upon motion of Senator Coelho, seconded by Senator Fairchild, approved as read.

Senator Knudsen moved that the Senate adjourn sine die. Seconded by Senator Fairchild and carried at 11:20 o'clock, after prayer by the Chaplain.

WILLIAM SAVIDGE,
Clerk of the Senate.

Approved by the Senate:

WILLIAM O. SMITH,
President of the Senate.

APPENDIX.

"A"

*PROCEEDINGS HAD BEFORE THE SENATE AND HOUSE,
SITTING AS COMMITTEE OF THE WHOLE,
ON SENATE CONCURRENT
RESOLUTION No. 5.*

"B"

*STATEMENT OF EXPENDITURES, LOAN FUND, FROM
JULY 1, 1903, TO FEBRUARY 28, 1909.*

"C"

*PROCEEDINGS IN CONNECTION WITH ADDRESS OF
HON. C. W. FAIRBANKS TO THE LEGISLATURE
OF HAWAII, THE SENATE AND HOUSE
SITTING IN JOINT SESSION,
MONDAY, APRIL 26,
1909.*

"A"

PROCEEDINGS HAD BEFORE THE SENATE SITTING
IN COMMITTEE OF THE WHOLE ON SENATE
CONCURRENT RESOLUTION
NO. 5.

IN THE SENATE,

Tuesday, 10 a. m., March 2, 1909.

The Senate thereupon went into the Committee of the Whole Senate to consider Senate Concurrent Resolution No. 5, **Senator S. E. Kalama in the Chair.**

Senator W. O. Smith. Mr. Chairman. The Governor has kindly responded to our invitation to be present in the committee of the whole in regard to this matter of the resolution relating to the bill now pending in the Congress of the United States proposing amendments to the Organic Act, an act in which the Legislature is very much interested. I would suggest that the Clerk read the resolution now under consideration by this committee.

(The Clerk thereupon read the resolution in question, being Concurrent Resolution No. 5, presented by W. J. Coelho, Relating to Amendment to Public Land Laws, introduced February 18, 1909, as follows:

"Whereas, there is now pending in and before the House of Representatives of the United States, in the expectation of its being enacted into law by the Federal Congress, a Bill to amend, in many important particulars, the Organic Act, creating and providing a Government for this Territory, and

"Whereas, said Bill as so prepared and introduced in said House of Representatives proposes many changes in our scheme of Territorial Government that would be, if enacted into law, distasteful to the people of this Territory and subversive of the principle of popular government, and inimical to the best interests of our Territory, especially as regards the administration and disposition of the Public Lands thereof, in regard to which, in particular, the amendments proposed by said Bill are designed to withdraw from the courts their present salutary jurisdiction over controversies pertaining to said Public Lands and to vest an unusual and arbitrary authority respecting the same in the Government of this Territory and the Commissioner of Public Lands,

neither of whom are responsible to, or subject to control by, the people, or the Legislature, of the Territory; and,

"Whereas, it is desirable that any change in the Public Land Laws should involve the principle of a greater degree of control thereof by the people, through the Legislature of this Territory,

"Therefore be it Resolved by the Senate of the Territory of Hawaii, (the House of Representatives concurring), that the Clerk of the Senate and the Clerk of the House of Representatives of the Territory of Hawaii be, and they are hereby, instructed to immediately telegraph to the President of the Senate, and the Speaker of the House of Representatives of the United States, and to the Delegate of this Territory in Congress, a request that said Bill be not further acted upon until certified copies of this Resolution can be delivered to them respectively in Washington; and the said Clerk of the Senate and Clerk of the House of Representatives of this Territory be, and they are hereby, further instructed to forward by mail to each of them, the said President of the Senate, Speaker of the House of Representatives and Delegate in the Congress of the United States a certified copy of this Resolution and of the Preamble thereto.

"W. J. COELHO,

"Senator Second District.")

Senator Smith. Mr. Chairman. While the resolution deals chiefly with the matter of the proposed changes in the land laws, there are a number of other matters which are proposed for amendment and I would suggest that they be taken up item by item, that the Secretary read the proposed amendments so that if any Senator desires explanation of the Governor, the Governor can make explanations and statements of why the amendments have been proposed. I move, therefore, that the Bill now pending before Congress be taken up item by item. The first matter is the matter following the enacting clause as follows: (reads):

"Provided, That the parts of said laws that are collected and set forth in sections fifty-eight hundred and eighteen to fifty-nine hundred and eight, inclusive, of the final report of the commission to revise and codify the laws of the United States, dated December fifteenth, nineteen hundred and six, shall not apply to Hawaii."

Senator Fairchild. I second the motion.

The Chairman. All in favor of the motion, that the Bill which is printed with the resolution shall be read and con-

sidered section by section, signify it by raising the hand. (Vote taken.) Opposed. (None.) Carried.

Senator Coelho. I rise to a point of order. This committee of the whole was called for the purpose of considering the Concurrent Resolution and not the Bill. The Governor has been asked to come and state what he had done in relation to the Bill, and this committee is not sitting for the purpose of considering the Bill. The records will show that.

Senator McCarthy. As I understand the proposition, when this Concurrent Resolution was introduced it referred to this Bill that had been introduced in Congress. As the Bill itself mentioned certain sections of the Revised Statutes of the United States which the members didn't have, I moved that the Resolution be laid on the table until the Bill with those sections could be printed. The Printing Committee reported the Bill as printed with the Resolution. When the Resolution then came up for consideration, it was moved that this matter be taken up in committee of the whole, and I claim that this Bill with the sections of the Revised Statutes and the Concurrent Resolution are all up for consideration here today and that the Bill and these sections have a bearing on the Concurrent Resolution. I think we are acting according to the decision of the Senate.

Senator Smith. In support of Senator McCarthy, I might state that the Resolution contains a request that said Bill be not further acted upon until certified copies of the Resolution are delivered to the committees respectively in Washington. The Bill pending before Congress deals not only with the question of the amendment to the land laws, but with a variety of subjects in which we all have interest, and I think that it is entirely pertinent to the matter, to the issue, that the whole Bill be considered, and it has already been voted that we do it item by item. Therefore, I consider that the gentleman is out of order. We have already voted to do so.

The Chairman. Do I understand that the Senator from Maui insists on raising his point of order?

Senator Coelho. You can rule on the point of order.

The Chairman. The Resolution as well as the Bill and the sections of the Revised Statutes of the United States is printed and it is before the Senate today to be considered in the committee of the whole.

I rule that the motion is out of order.

Governor Walter F. Frear. If you will permit me, I will say just a word or two preliminarily. In the preparation of

this Act an attempt was made as far as possible to meet the needs and wishes of the people of Hawaii as expressed in resolutions of the legislature, in party platforms and in other ways. Unanimity of opinion, of course, cannot be expected either on the bill as a whole or on any particular provision. I will have to plead guilty to having been the principal draughtsman of the Act. Those who had a part in it omitted purposely a number of provisions which they would have been very glad to see in it but which they thought might meet with opposition either in Washington or in Hawaii. On the other hand, they inserted some provisions which, while not approving of them themselves, they felt that the people of Hawaii desired. The Act of course cannot pass at the present session of Congress. There will be ample opportunity for any one who wishes to be heard on the subject or for the legislature here to make its wishes known as to any particular provisions. It certainly cannot pass until the next session and perhaps not until the session afterward. It takes a long while to get matters of this kind through Congress.

I want to say also in this connection that even the framers of the Act have felt that certain changes should be made in it as originally drafted and a number of such changes have been made and are before the committees. The Bill has been referred to a sub-committee of the committee of the House of Representatives, which is taking it up section by section in detail. If the Senate desires to take into consideration the provisions that are now before the committee in Congress it would be better perhaps to consider the bill with the proposed changes as printed on page 14 of this document.

Now, to come to the first section. There are a great many provisions in the laws of the United States which in terms apply to all the territories, but it is a question whether they apply to particular territories. Congress passed an Organic Act for this Territory containing many provisions,—containing provisions on subjects which are covered also by these other general provisions in the laws of the United States to which I have just referred. Now, it is a question whether Congress intended that the provisions of the Organic Act upon any particular subject should be exclusive, that is, whether they should be the only provisions that should apply to Hawaii or whether these other general provisions or some of them also should apply, which are in some cases in conflict with and in other cases additional to the provisions in the Organic Act. The object of this first section is not so much to prevent those provisions from applying to Hawaii as it is to settle the question and remove the uncertainty. That is the main object of that. It is not of very great consequence per-

haps. I myself believe that those provisions do not apply to Hawaii, and the commission appointed in pursuance of an Act of Congress to revise and codify the laws of the United States have come to the same conclusion, and they have provided in the codification, which they have prepared but which has not yet been enacted, that these provisions shall not apply to Hawaii. That is their opinion, but it is not the expressed opinion of the courts and we do not know for sure what the courts will hold.

Now, just to show some of the difficulties or consequences which might follow from a decision holding that these provisions applied to Hawaii. These provisions are set forth in this document. I will not go through them all, because they are very numerous and somewhat lengthy. Take, for instance, Section 5852 on page 31. You will notice there a general law applicable in terms to every territorial legislature, which prevents any such legislature from authorizing a bonded indebtedness in excess of one per cent. of the assessed value of the property in the Territory. If that applies to Hawaii, three-fourths of our Territorial debt is unauthorized and we cannot issue any more bonds for public improvement or for any purpose. I don't think that applies to Hawaii, but in terms it does.

Again, take Section 5848. The section, if applied to Hawaii, would render illegal all our taxes on automobiles, dogs, bicycles, carriages and drays, and perhaps on other things and would render illegal certain bills that are now pending before the legislature, if they should be passed, because it provides that there shall be no tax on property except on a basis of valuation, and that all taxes on property shall be in proportion to valuation.

Senator Fairchild. Would that apply to an assessment of a corporation as a going concern?

The Governor. I don't think so. I don't know that I need call attention to any other provision, but there are many others. For instance, here is Section 5884, which would prevent this legislature from incurring any expense for printing, including the printing of its journal and the printing of laws, beyond \$2,500.00.

Then Section 5892 would limit the powers of the county and municipal government to some extent. Perhaps that is enough just to illustrate that if the courts should hold that these provisions applied to Hawaii, we would find that the powers of the legislature were much more limited than they are now supposed to be.

On this point I might say in passing that all through this bill you will find as a rule that the powers of the legislature of Hawaii are increased. There is perhaps an impression in some quarters that this bill cuts down the powers of the legislature, but as we proceed we shall find that they are increased. There are one or two instances in which the powers are curtailed, but more apparently perhaps than really. In general, the bill increases the power of the legislature.

I would like to answer any questions that may be put.

Senator Smith. I move that we proceed to the next subject.

(The Clerk thereupon read from the Bill on page 15 of the document as follows:

"Section 2. That Section twenty-six of said Act is hereby amended to read as follows:

"'Section 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of six hundred dollars for each regular session, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of two hundred dollars for each special session: Provided, That they shall receive no compensation for any extra session held under the provisions of section fifty-four of this Act.'")

The Governor. This section, I think, is largely self-explanatory. Congress, you will remember, has cut off the salary for the extra session and this section increases the salary of the regular session by the same amount, so that the members of the legislature shall receive \$600.00 for the regular session instead of \$400.00. Formerly they received \$400.00 for a regular session and \$200.00 for an extra session, but Congress has cut off the latter. It seemed to me that the work of the legislature was such that the salaries of the members should be larger here. There are sixty days at least of very hard work with the possibility of an extension for not exceeding thirty days. The members are obliged also to spend a good deal of time in connection with their election before the legislature opens and there are expenses besides. It seems to me that \$600.00 is little enough. I will say that I had inserted a larger sum myself in the bill as originally drafted by me, but others thought it best to make it \$600.00. I might say here, too, that before this bill was introduced I consulted many people upon it. I spent a good many hours with our Delegate to Congress in going over all its provisions in detail before he introduced the bill.

The Chairman. Is there any question any of the members would like to ask in regard to Section 26?

Senator Fairchild. I was going to ask one question. I noticed in this amended bill, which I presume is presented by the Democratic Party, that they have an amendment to that bill whereby there is a provision for an extra session called by the Governor, as I understand it. I presume that is the only difference there is.

Senator McCarthy. Is it in this pamphlet?

Senator Fairchild. I don't know whether I saw it in this pamphlet or whether I saw it—

The Governor. Under the Organic Act as it is at present the legislative session may be extended by the Governor for not exceeding thirty days and the legislature may be called in special session at any time between the regular sessions.

Senator Fairchild. There is no provision for that, then, if the Governor finds it necessary to call any special session at any time?

The Governor. That is in the Organic Act at present. That is not altered at all.

Senator Fairchild. But under the present arrangement there will be no compensation for that extra session?

The Governor. I wish to explain the difference between an extra session and a special session. An extra session is a session that is held immediately after the regular session. A special session is one called at some other time by the Governor, and under the present laws the legislators would receive their salaries for that. That isn't changed at all.

Senator Fairchild. They would receive compensation for the special session?

The Governor. Yes, but they can't receive any salary for the extra session under the laws appropriating money for the legislative expenses.

Senator Smith. I understand the point to be this: The term of the legislature is limited to sixty days. Now, if an extra session is permitted with additional pay there will be more likelihood of the session not getting through its work in the sixty days perhaps, holding back the appropriation bill or something for the purpose of having the extra session, and by this amendment there would be no compensation for that extra session; but, as the Governor has explained, at any time during the period, the biennial period, if it becomes necessary or

important to have a special session, it can be called and it carries with it the \$200.00 compensation.

(The Clerk thereupon read Section 3 of page 15, as follows:

"Section 3. That section fifty-two of said Act is hereby amended to read as follows:

"Section 52. That appropriations, except as otherwise herein provided, shall be made by the legislature.'")

The Governor. This section also is intended to remove uncertainties, and in so far as it does so, it increases the powers of the legislature. You will remember that the section at present reads that appropriations must be made biennially. The amendment simply strikes out the word "biennially". What does that word "biennially" mean? Perhaps it doesn't mean much there. I am inclined to think that myself. But if it means anything material, it means a good deal. It means, for instance, that this legislature if called in special session between two regular sessions cannot pass any appropriation bill for any purpose whatever; and that all the appropriations passed at the special session in 1904 were void. It means also that you cannot make a permanent provision by which, for instance, a percentage of the proceeds of the sales of public lands may be devoted to the construction of roads for opening up homesteads, because you must make the appropriations every two years. It means that you cannot provide that the proceeds of sales of products of the Lahainaluna Seminary and of the Waialea Industrial School cannot be used right along for the purposes of those schools. You must make a specific appropriation or at least new appropriations every two years.

It may possibly mean that you must make the appropriations for biennial periods; for instance, that the last legislature should make all the appropriations for the present biennial period and that this legislature cannot make any more appropriations for this period. Now, I don't think it means quite that, but there is a great deal of ground for holding that way. Certainly if it means anything, it means that the powers of this legislature are a great deal more limited in the matter of appropriations than has been believed hitherto. This section is intended to remove that uncertainty and prevent the possible grave situation in which we might otherwise find ourselves sometime under a decision of the court.

(The Clerk thereupon read Section 4 of the Bill on pp. 15 and 16, as follows:

"Sec. 4. That section fifty-five of said Act is hereby amended so that the latter part thereof, limiting the amount of indebtedness that may be incurred by the Territory or any political or municipal subdivision thereof, shall read as fol-

lows: 'But the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed one per centum of the value of the property in the Territory or subdivision, respectively, as shown by the then last general assessment for taxation, whether such assessment is made by the Territory or by the subdivision, and the total indebtedness of the Territory, and of any such subdivision, shall not at any time be extended beyond seven per centum and three per centum, respectively, of such assessed values, but nothing in this Act shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States.'")

The Governor. This section is changed in three particulars, in each of which the power of the legislature is enlarged.

In the first place, it is changed so that it will permit the legislature to authorize the counties to issue bonds, so as to overcome the difficulty which was experienced in connection with the bonds which the County of Maui desired to issue and which the Supreme Court held they could not issue.

In the second place, it is intended to remove an uncertainty which now exists as to whether the legislature may authorize the refunding of bonds that have been issued since the establishment of Territorial Government. The Organic Act permits the Territory to refund existing bonds. The question is whether it means bonds existing at the time the Act was passed or also bonds which may exist at any time in the future. I think it means bonds at any time but some very distinguished authorities on bond questions have raised a question on that point in New York. The purpose is to remove that possible uncertainty, so that we may refund our bonds at lower rates of interest. During the coming biennial period there will be \$2,000,000.00 of bonds upon which we are paying $4\frac{1}{2}$ and $4\frac{1}{4}$ per cent. interest. It may be that we can refund those at, say, $3\frac{1}{2}$ per cent. and save \$15,000.00 or \$20,000.00 a year in interest. If we can do it, we ought to do it.

In the third place, the Organic Act at present requires all bonds to be redeemable in not more than five years, and payable in not more than fifteen years. Now, conditions are changing in the bond markets, and it may be desirable for us to issue bonds for different terms of years. For instance, make them payable in twenty years instead of fifteen or make

some of them payable in one year, some in two years, some in three years, and so on, and distribute the issue over the thirty years. Our lawyers in New York say that if we should change this so as to give the legislature greater latitude so that they can make the bonds redeemable and payable any time, from one up to thirty years, we may be able to sell them to better advantage and get better prices for them, because the people who wish to buy bonds want very often bonds payable in certain ways, not simply to have them 5-15 year bonds; they might prefer 5-20 year bonds or 10-20 year bonds or bonds payable in one, two, three and four years, and so on. This amendment is intended to give greater power so that we can take advantage of the best prices,—take advantage of the market, in other words.

Senator Smith. As I understand, the reason why in the first instance Congress limited bonds to fifteen years was because they wanted to prevent the incurring of too much indebtedness; that if the bonds were for a very long term, the effect might be to feel; well, that is so far off—that is two or three generations hence—they will be liable for them; hence there might be too much readiness to issue bonds. That, however, is safeguarded by the provision that all such indebtedness shall be subject to the approval of the President of the United States.

I would like to state that I acted for the Government in the matter of the \$325,000.00 bonds for plague and in conferring with the lawyers in New York, certain eminent law firms there upon whose approval bonds are taken by the banks and trust companies, I found that very difficult, on account of the bonds being limited to fifteen years; that the trouble was that the rate of interest had to be higher while for longer terms the interest is lower. In my reading upon the subject I found that Manchester in New England and several other large cities issued bonds payable in 80 years and they placed them sometimes at 2 per cent. Now, I met that very difficulty. Now, it was stated that if our bonds were made redeemable in thirty years and—that is, made for thirty years and not redeemable for ten or fifteen years, there would be much less difficulty in placing them and also that they could be placed at a lower rate of interest. It would seem as though the purpose of the amendment is a desirable thing from our point of view and would be a decided concession on the part of Congress as having more confidence in our judgment.

(The Clerk thereupon read section 5 as contained on pages 16, 17, 18 and 19 of the document, as follows:

“Sec. 5. That section seventy-three of said Act is hereby amended by adding thereto the following:

"In addition to the other methods of disposing of public lands, under the land laws of Hawaii as amended by this act, the commissioner, with the approval of the governor, and after public notice published not less than thirty days in a newspaper or newspapers of general circulation in the Territory, may sell such lands by drawing or by auction, in lots of such area not exceeding one hundred and sixty acres, as may be deemed requisite for the support of a family, and may deliver possession under an agreement to be called a homestead agreement, compliance with the terms of which, and of laws applicable thereto, shall entitle the purchaser to a patent. Said lots shall be appraised at their market value, and shall be offered for sale, if the land has not been previously under cultivation, at not more than twenty-five per cent. of such value, or, if the land has been previously under cultivation, at not less than fifty per cent. of such value, which shall be payable without interest in instalments extending over a period not exceeding ten years, with the privilege on the part of the purchaser of paying on any instalment date any or all instalments then remaining unpaid; the purchaser shall be required within a period of not more than ten years after the date of sale to maintain his home and reside on the land not less than five years, beginning, if the land is not already under cultivation, not more than three years, and if the land is already under cultivation, not more than one year, after the date of sale, and no period of less than six months of continuous residence upon the land shall be held to be a part of said five years; he shall also be required to reduce and maintain in cultivation within and for such times during said period of ten years as may be prescribed not more than fifty per cent., if the land has not been previously under cultivation and not less than fifty per cent. if the land has been previously under cultivation, of the arable portions of the lands; the time within which he may obtain a patent shall be not less than five nor more than ten years; and such agreement may contain such other terms as may be deemed appropriate for the promotion of bona fide homesteading on the lands in question. The commissioner may also, with such approval, give a preference right to purchase, at a price determined by three disinterested appraisers appointed by him, any parcel of public land that has actually been resided on and improved, or so much thereof, together with such adjoining land as may reasonably be required for a home, to any person who alone, or in conjunction with his predecessors in interest, has for not less than five years immediately preceding the date of sale so actually resided on and improved the same.

"No person shall be entitled to receive any certificate of

occupation, right of purchase lease, or cash freehold agreement, or homestead agreement, who or whose husband or wife shall then be the owner of an amount of land which with the land in question will exceed one hundred and sixty acres, or shall hereafter have taken or held any land under any such certificate, lease, or agreement, or under any homestead lease or patent based thereon; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law; nor shall any person hereafter become entitled to receive a homestead lease or a patent upon the sale of any kind unless he is a citizen of the United States; nor shall any person who, having so declared his intention, shall hereafter take or hold under any such certificate, lease, or agreement, continue so to hold unless he shall have become a citizen within five years after so taking. No such certificate, lease, or agreement, or rights thereunder, nor the land covered thereby, or any part thereof or interest therein, shall, before the patent therefor becomes issuable, be, or be contracted to be, conveyed, assigned, mortgaged, leased or otherwise transferred or disposed of without the written consent of the commissioner; and noncompliance with the terms of any such certificate, lease, or agreement, or other agreement of sale, or of the law applicable thereto, shall entitle the commissioner, with the approval of the governor, with or without legal process, notice, demand, or previous entry, to retake possession and thereby determine the estate: Provided, that the times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith. All questions respecting such compliance shall be decided by the commissioner, subject to appeal to the governor, whose decision shall be final. Any lot not taken, or taken and forfeited, in any tract open for settlement, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may thereafter be disposed of without further notice by any of the methods authorized by law; and any sale, drawing, or allotment may take place at the office of the commissioner or in the district in which the land is situated, for each of which districts the commissioner is hereby authorized to appoint one or more sub-agents, and the notice of any such sale, drawing or allotment shall be such as is prescribed above in the case of a homestead agreement.' "

"All lands in the possession, use, and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales of such lands shall be made by the commissioner or under his direction, for which purpose, if neces-

sary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this Act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. And no exchange by which the Territory shall convey land exceeding ten acres in area or five thousand dollars in value shall be made without the approval of two-thirds of a board as may be provided by the legislature, and until the legislature acts, such board may be appointed by the governor. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the governor and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, and, with the approval of the governor, to prescribe forms of oaths and make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect. The parts of said laws set forth in the following sections and parts of sections of the Revised Laws of Hawaii are hereby repealed: Sections two hundred and fifty-two to two hundred and fifty-four, inclusive; the last three paragraphs of section two hundred and sixty-two; section two hundred and seventy-four; the third paragraph of section two hundred and seventy-six; sections two hundred and seventy-nine and two hundred and ninety-two; the second paragraph of section two hundred and ninety-six; sections two hundred and ninety-eight, three hundred, three hundred and ten to three hundred and twelve, inclusive, three hundred and fifteen, three hundred and twenty, three hundred and twenty-nine to three hundred and thirty-three, inclusive, and three hundred and forty-seven.'")

Senator Moore. It seems to me that we ought to read the bill that is amended here; as amended that will be the one that they will act on.

Senator Knudsen. I understand that they started off on page 14; that is the governor's suggestion, that the bill on page 14 be read.

The Governor. The bill on page 7 is the bill as originally introduced. The bill on page 14 is the one that is proposed now, that is the bill with its amendments which is now before

the committee. This bill, of course, in either form can never pass Congress because Congress expires tomorrow. We must remember that each Congress lasts two years and each Congress has two sessions. If a bill is introduced at the first session in Congress it goes over to the next and a new bill does not have to be introduced; but this Congress expires tomorrow, so that a new bill will have to be introduced at the next session. The new bill will be this bill on page 14 as further changed by the sub-committee and the committee; after they have gone all through this it will be further changed, but we don't know how yet because the committee is working on it. A new bill will have to be introduced, but it will be the bill on page 14 with such further changes as the committee may make.

Senator Knudsen. Up to a certain point the two bills are identical. But section 5 on page 16 is different from the first bill, that which begins on page 9. So I move that we start reading now Section 5 on page 16. That is the first change in the two bills.

The Chairman. Is there any objection to that motion?

Senator Moore. I second the motion.

The Chairman. The Clerk will read Section 5 commencing on page 16.

(The Clerk reads Sec. 5 as appears herein on pages 23 to 29.)

The Governor. This, I think, is the section that has attracted the most attention.

There has been a good deal of dissatisfaction with the operation of our land laws for some time and I think a great many people feel that there should be some changes. It is pretty hard to say just what changes most people would agree on, there are so many great divergencies of opinion. When I took office I began to study the situation as best I could, so far as I had time to do so, and concluded that certain changes were desirable. Then in order to have the subject looked into more fully perhaps than my time would permit and in order to get a wider consensus of opinion, I appointed a land commission to look into the whole subject and to have hearings on the different islands and to receive suggestions and that commission performed its work and performed it well, as I believe, and made certain recommendations. The views that I formed I gave out to the press purposely so that the public might consider them and make suggestions and discuss them, and the report of the land commission has been published. I am not sure, but I believe that the report of the land commission has been distributed in the legislature.

This section is intended in the main to carry out these recommendations and suggestions. The main object is to facilitate the settlement of the public lands by bona fide settlers as against the purchase of the public lands by persons who wish them for purposes merely of speculation or investment,—who simply wish them for the purpose of disposing of them outright to others or holding them for the income and living somewhere else themselves. It is to facilitate the settlement of lands by persons who really wish to make their homes on the land. I do not know that I need explain all these different provisions, it would take a long while to go through them in detail, but the main point is to enable people to get their lands on easier terms so far as payment is concerned and to make the principal requirements those of residence and cultivation rather than of payment. For instance, the price of the land and the terms of payment are such that a person may obtain land by paying less than what he would have to pay now in interest alone under a right of purchase lease, which is the form under which lands are most generally taken up under present laws. There the lands are appraised and a person has to pay 8% of the appraised value as rent, while here he has to pay only 5% perhaps of the purchase price per annum and without any interest, so that by the time he gets his land he has really paid less than the interest and say one-fourth of the appraised value. He has his land practically for nothing by simply paying a low rate of interest on it for a short time, but he is required to live on it and cultivate it. He doesn't have to begin his residence until the end of three years. That is so he may work and earn money at something else while he is getting his land into a paying condition before he is required to live upon it. He is required to cultivate a little the first year, a little more the second, and so on, until by the end of six years he may have to cultivate say fifty per cent. of the arable portion of it; of course not the waste or the pasturage.

A good deal has been said about the extension of the American land laws to Hawaii or the extension of their spirit or their principle, but I think you will find that the first two paragraphs of this section, which are the important parts and the principal parts, are practically adaptations of the spirit and principles of the American land laws. There is scarcely anything there which is not in the American land laws, and I refer particularly to those laws for the disposition of lands that have been reclaimed in the Western States, because those are the lands that are most similar to the lands here—they are more like the lands here than the great stretches of prairie land on the mainland—but you will find scarcely anything here which you will not find in those laws.

There is one point I might call your attention to and that is that in disposing of these lands we are not required to put them up at auction so that the moneyed people can run them up and get them. We may dispose of them by drawings, for instance. Suppose 100 lots are put up and suppose 200 people want them. They don't have to come and bid against each other and run the prices up with the chance that the rich man will get the land. We can say, "Here, we will give you all a fair chance; we will have a drawing; we will have numbers put into a hat," we may let all of these applicants draw and every one has a chance to get a lot at the appraised value. That is a feature that they have on the mainland which has worked very well according to what they tell me in Washington, those who have to do with the public lands.

Then another thing. We advertise these lands when they are opened up in the first place according to this Act whether they are sold at auction or by drawing. Some of the lots may not be taken or some of them may be taken and afterwards given up. People don't want them, or something of that kind. Well, there comes along another man, a man who has decided he would like a lot. We don't have to wait thirty days to advertise and keep him waiting not knowing whether he can get the lot or not or keep him waiting thirty days anyhow. We can sell it to him right off, but at the appraised value at which it was advertised in the first place.

There is another provision that I might call your attention to and that is where a person cannot fulfill the conditions of the agreement on account of sickness or for some reason, perhaps he has not been able to live on the land the required time—he has had to go away where he could be with a doctor or perhaps one of his relatives has been sick, he has had to leave for some reason, something has prevented him from complying with the conditions of cultivation within the prescribed time, well this section permits the executive officers of the Government to give him further time, give him another chance. It is a question how far we can do that under the present law. We can't do it strictly by law perhaps, but we try to stretch the law so as to give him every chance.

Then also there is another kind of sale where a person has been living on a tract of government land perhaps for a great many years and has made his home there perhaps on land that is under lease or sublease and the lease expires or the sublease expires. He doesn't want to be turned out of his home and see all the improvements that he has put there sold at auction to somebody else. There are many Portuguese up here on the slopes of Punchbowl. They have made their homes there, a colony of them. The lease will expire in about

four years more and they want to be in a position to purchase their homes without having them thrown open to everybody. This section provides that the lands may be appraised and that their occupants may be given the first chance to purchase them. They are not thrown open to everybody. Each man can buy his own home if he wants to. It is the same way in other parts of the islands. When I was on the island of Hawaii the last time, I came across native Hawaiians who were living on lands that were leased to great corporations or ranches; they had been there all their lives, had built their homes there, had their homes there, had planted trees and had their little gardens, perhaps a stone wall inclosing them. They were all right under the present lessees. But some of the leases are going to expire soon and they don't know who will be the next lessee or whether he would turn them off. We want it so that they can get their homes and be sure that they will never be turned off. The last portion of the first paragraph permits persons who have made their homes on government lands under lease or otherwise to have the first right to get them at the appraised values.

Senator Fairchild. Might I ask a question right there. I notice that this law suggests that three appraisers be appointed. It seems to me that in justice to the occupier of the home he might be allowed to appoint one appraiser in all matters in which he had spent all the money on the property.

The Governor. There would be no particular objection to that. This was put in for brevity largely. Of course, now the government generally appoints appraisers of all the lands, but there is no particular objection to that.

Senator Smith. It appears to be a safer rule that three disinterested appraisers should be appointed. If the occupier is to appoint one, the government appoint one, then they would be representing their respective principals and the question would be practically decided by the third. If three disinterested persons, not government officials, not interested in the lands, but three disinterested appraisers are appointed, it seems to me it would be fairer to the government and fairer to the party.

The Governor. I think perhaps that would be the best way. For instance, there is a case now under an agreement made a great many years ago which provides for the renewal of a certain lease upon a valuation to be fixed by three appraisers, one appointed by one side, one by the other and the third by those two. We have got together and said, "Here, we don't want to have this simply one man fighting for one side and one fight-

ing for the other and then the third really making the decision. We want to pick out the best three men we can find and have them make a good fair decision." And so we agreed on the best three men we could find and then to comply with the terms of the agreement one side appointed one of those, the other appointed the other and we suggested to those two that they appoint the third, which they did. We got what we thought was a better board of appraisement by getting three disinterested persons instead of having a fight between two and a decision by the third.

Senator Smith. I may have misunderstood Senator Fairchild. I know that in matters of arbitration two different plans may be pursued: sometimes when business disputes arise, it is left to arbitration. One plan is for each party to choose his own partisan no matter whether he is interested or not and they choose a third; the other plan is for each to choose one and they choose a third, but all to be disinterested. I don't know whether I understand Senator Fairchild to mean that the occupier shall select one who shall still be a disinterested person. But the point I want to emphasize is that they should in any case be disinterested persons not partisans; not for instance, a party choose his lawyer and the other side choose his lawyer and they choose the third. That is really the decision of one man.

Senator Knudsen. Would such a person be compelled to pay the full appraised value or would he come under the provisions the same as the other purchasers? The other class I understand get it at 25 and 50 per cent. of the valuation? Would he come under that provision?

The Governor. That would have to be fixed by the appraisers. I presume they would take the surrounding circumstances under consideration as to what was fair and just.

Senator Fairchild. In regard to the case of the alien. The law says that no person who is an alien, unless he has declared his intention to become a citizen of the United States, is permitted by law to buy property, etc. Now, I know of cases on Kauai where Portuguese and others who cannot read and write the English or Hawaiian languages have lived for twenty years upon lands the leases upon which were expiring and were compelled to take leases when they were very anxious to buy their homes. Now, it seems to me that there should be some arrangement whereby these people, particularly the new ones coming here, whereby some provisions can be made so by which these people can acquire in fee simple homes under this Act. The reason I raise the question at this time is to

ask whether they can claim them under this Act, under that clause; that is, an alien or one who has not become a citizen on account of his disability in his language whether they could qualify under that clause?

The Governor. I presume they could not. It is a rather difficult matter to provide for. It is the policy of the Federal Government in Territories not to permit aliens to obtain land, and it is a question whether it would let up on that. The tendency is rather the other way, and it would be difficult to arrange it so as to make exceptions without going too far. We have a great many aliens here of different races and if we once began to make exceptions we would be likely to get into difficulties.

Senator Fairchild. That is the point. Really then these people are barred? At present they are barred from taking up homesteads and the like.

The Governor. It is the same way practically at the present time under present laws; this really doesn't make it much worse.

There are one or two other matters which I might mention. In some respects, even this section enlarges the powers of the legislature. In the first place, it permits the legislature to put restrictions upon the power to make exchanges. I think a good deal of dissatisfaction has arisen out of some exchanges of land which have been made. It has been my policy not to make exchanges of large tracts of land, especially country land, for small portions of city land. I have made only one so far, one large exchange which is not completed yet, but that is where we got more country land for less country land and land that was more suitable for homesteading for land that was less suitable for homesteading; but still it may be thought that that is too large and too dangerous a power to put in the hands of one executive officer or of one with the approval of another. So this section provides that no exchanges except very small ones can be made without the approval of two-thirds of a board to be constituted as provided by the legislature. It could not very well be made subject to the approval of the legislature. The legislature sits only once in two years. That would be very awkward, but this permits the legislature to constitute a board which acts at all times and requires an approval of two-thirds of the board. Then again it is a question now how far the authority of the legislature extends over lands set aside for forest purposes; for instance, whether the legislature may give the charge of the forest to the bureau of agriculture and forestry. This will remove that uncertainty

and declares in plain language that the legislature may provide for the care and management of forest lands.

A matter which I think has been discussed somewhat is that in regard to making the decisions of the land commissioner, subject to the appeal to the governor, final. In regard to that I call attention to two points. In the first place, the appeal at present is to a circuit judge sitting without a jury. There is no jury in the matter. That covers all questions of fact as well as the law. Now, this amendment leaves all questions of law to be determined in the usual way by the courts, but simply leaves some of these questions of fact, mere administrative questions, to be determined by the executive officers. This is the practice in the United States under the public land laws and is something which is urged very strongly by those who have to do with the public land laws there. They say it is an administrative question and should be decided by the executive officers where they can take into account all the different circumstances in the case. Courts have to decide on technicalities very largely, on strict points of law, and sometimes it works one way and sometimes the other. Sometimes they would have to turn a man out of his piece of land where the executive wouldn't and sometimes perhaps they would leave him in where the executive wouldn't. It works both ways, but it is considered to be an administrative rather than a judicial or legal question, and on the mainland it is considered desirable to leave that with the executive officers.

Senator Fairchild. One more question. It says here, "Said lots shall be appraised at their market value." It seems to me that that law would bind the executive so that he could not give away the unimproved land of the Territory, perhaps as a gift you may say to induce settlers to come upon the land. It also seems to me that as long as the executive may sell the lands to an intending purchaser at 50 per cent. of the appraised value, that he is going to have considerable difficulty with people who want this land insisting upon its being at 50 per cent. of its value, where particularly at the present time requests are flowing into the committees asking for more and more expenses for improvements on the Territory. It seems to me that it should be our policy to sell and develop lands of this Territory. If we do sell them for the full cash market value and higher if we can get it, it seems to me that if the law says or this legislature says he may sell these lands, valuable lands, at fifty per cent. of their cost or market value, that it is a hardship upon the man who is coming here to take up the undeveloped lands if he has to pay 25 per cent. The Government can well afford to give away the lands which

are not developed and sell the lands which are developed to get the people here to develop the undeveloped lands which today are bringing in no income. It seems to me that there is a weakness there. I knew of a certain case in point, where a certain land was offered for sale, in fact was sold, to a lot of aliens at one-third of its cost. Well, I don't believe they would ever have burdened the Territory or any one else in the Territory, had they not thought that on land at one-third of its value they might turn around and make a profit on it. It seems to me there is an inducement there for a constant application for the developed lands if they are willing to pay its full market value. If the homesteader is willing to pay that price, he must be a good man. It seems to me there is a weak point there. I think the law should be such that the executive could not sell it except at its full market value, so far as the developed lands are concerned.

The Governor. In fixing these percentages it is taken into consideration that the person who obtains the land for homestead purposes is required to live on the land a considerable period of time and also to cultivate a considerable portion of the land, and that these other requirements make up for the balance of the value of the land. If we should sell the land outright at auction without any conditions of residence or cultivation, we should of course expect to sell it at its full cash value. But where we require the person to do something additional—reside on the land and cultivate it—then we throw off some of the price because these other things are expected to make up for that. That is the idea. It is a question perhaps of just how much the value should be at which the land should be disposed of. It is thought that perhaps 25 per cent. of the value of land that is not already under cultivation would be sufficient or little enough possibly. This is the maximum, 25 per cent. To illustrate, suppose a piece of land should be valued at \$100.00 an acre, which is a high price for unimproved land as a rule. The selling price would be only \$25.00 an acre. Now, a person has ten years in which to pay that without interest. He would have to pay only \$2.50 a year without any interest and then he would have his land, which makes a very low price. In fact, if we put up these lands at auction they will generally go for a good deal more than that. Only a few weeks ago we put some homestead lands in the country under these provisions, requiring five years' residence as well as cultivation of fifty per cent. of the arable land. What was the result? A man of means got in there and bid against others and ran the price, notwithstanding these requirements of residence and cultivation, up pretty nearly to

the full cash value—about \$100.00 an acre, I think. But by permitting those lands to be disposed of by drawings instead of by auction, that can be avoided, and the man who really wants to make his home there and can't afford to pay the full cash value can have a chance.

Senator Smith. I think on the whole that the principle that is suggested is sound, at the same time I have had misgivings in regard to the matter of the ten years requirement. I know the object is to prevent speculation; at the same time it takes a long, long time before a man can get title to his lands. With this other safeguard and with this matter of being able to buy it at less than it is really worth, its real value, it may be offset by the fact that he is a bona fide homesteader. I personally had the feeling that ten years was too long a period to require that. It would tend in many cases to deter people from taking those lands. It is an extremely difficult thing to guard against speculation beyond a certain point, but my whole feeling has been more that of hesitation in regard to the period of ten years.

The Governor. That is put in really more for the protection of the bona fide homesteader than anything else, because if a man wants land really to make his home on it, he doesn't care, but expects to live there any way; but if a man wants it for speculation or investment, the shorter the residence the better; he can afford to buy it and then make a profit on it. That is a serious question, though, and it may be that after a little experience it will be found that a less time will be required, and so this bill gives a leeway; makes it anywhere from five to ten years. That is, we can experiment a little and if it is found that ten years is too long, then it may be reduced down as low as five; but those limits are set—it must be not less than five nor more than ten in which to obtain a patent, but he does not have to live upon it for more than five years. The time in the case of reclaimed lands on the mainland is ten years.

(The Clerk thereupon read Sec. 6 on p. 19, as follows:

“Sec. 6. That section seventy-nine of said Act is hereby repealed.”)

The Governor. That simply repeals the provision which requires us to have a high sheriff; in other words, it enlarges the power of the legislature by leaving it to the legislature here to say whether we shall keep on having a high sheriff or not. It does not change the present status at all, because the high sheriff is there under the laws of Hawaii, but does repeal the portion of the Organic Act which says the Territory has

got to keep a high sheriff whether it wants to or not. It leaves that matter entirely to the legislature.

(The Clerk thereupon read Section 7 on page 19, as follows :

"Sec. 7. That section eighty of said Act is hereby amended by inserting the words 'and until their successors are appointed and qualified' after the words 'for the term of four years', and by changing the second sentence thereof so as to read: 'He may remove from office, for cause and after notice and an opportunity to be heard, any of such officers.'")

The Governor. The first part of this section relates entirely to judges. Under the Organic Act it is a question whether the Supreme Court judges and the Circuit Court judges who are appointed by the President continue in office after their terms expire until their successors qualify. On several occasions that question has arisen and it has been a question whether the court could sit and do any business until the newly-appointed judge should receive his commission or take his oath. Sometimes an appointment has not been made right away. This is simply to enable the judges who are already there on the supreme and circuit courts to keep on until their successors can act.

The second part of this is one that has called forth some discussion. At the present time, you know, the governor appoints different officers, and this applies only to executive officers, not to judicial officers, with the consent of the Senate: also he cannot remove any such officers without the consent of the Senate. That is an unusual provision, to have it out of the power of the person appointing an officer to remove him without the consent of the Senate. At first it might look as if the executive were grasping for further power, but I think if you reflect a minute you will see that it is hardly so. Even at the present time, the executive, if he were so disposed, might circumvent the Senate. Suppose the Senate should not confirm an appointee of his, that appointee would go out of office at the end of the session of the Senate, then the governor could at once appoint a man who has not been confirmed and so keep that up. Sometimes that is done in other places, but only under unusual circumstances. Any chief executive who has a true sense of propriety wouldn't do that except under unusual circumstances. Now, this permits the governor to remove these officers between sessions of the Senate without being under obligation to call the Senate in special session at a cost of several thousand dollars. You remember what a time Governor Dole had when a number of his appointees proved themselves unworthy of their offices. His successor, realizing the difficulties, required so-called undated resignations. I

hope that I will never have to call for an undated resignation; I hope I will never have to remove an officer for misconduct; I hope that, if ever I want an officer whom I have appointed to leave, a mere suggestion will be enough and that he will have the good sense to resign voluntarily. But there may be circumstances between sessions, which occur only once in two years, where it may be necessary to remove an officer. That is a power which should be lodged in the chief executive without requiring him to put all the senators to the trouble of coming to Honolulu or meeting in special session and putting the Territory to an expense of several thousand dollars. This is the way it is in the Federal Government: The President may remove his appointees without the consent of the Senate and I believe it is so in some of the State Governments. As far as I know, a provision similar to the one we have now exists in only one of the States.

Senator Smith (reads). "May remove for cause and after notice and an opportunity to be heard." Of course that implies that there can be no removals merely for frivolous reasons, but for cause. Does it not also imply that that is reviewable by the court—for cause?

The Governor. It would mean that the court could decide whether the executive had given the man a fair hearing or not, a fair opportunity. The court probably couldn't decide whether the cause was sufficient or not. That would have to be left to the executive to act in accordance with his duty under the law.

Senator Smith. I would like to state that the provision commends itself to me. If it was simply a provision that he may appoint and remove, it would be a very different proposition, because that power might be abused; but when he may remove from office for cause and after notice and an opportunity to be heard, there is the publicity, there is an opportunity then for the whole public to know the reason of the action; the party himself can be heard; if there is any misunderstanding, he can have it explained; but if there is sufficient cause, why an officer should be removed it seems to me; it seems to me that it is in the public interests that there should be power somewhere to cause such removal. It might be because the man was corrupt; it might be for reasons so apparent that in the public interest, for the public welfare, and for the proper and honest administration of government, there should be a change, and the power is properly safeguarded; he may be removed for cause and after notice and an opportunity to be heard. It means publicity. He can't be removed secretly, he can't be removed for mere spite or pique

or for any improper reason, but it is for cause; and it seems to me that for the reasons stated by the governor, it is a wholesome and a wise provision.

(The Clerk thereupon read Sec. 8 on page 20, as follows:

"Sec. 8. That section eighty-four of said Act is hereby amended so that the last sentence thereof shall read as follows: 'Nor shall any judge sit in any case in which he may have been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated.'")

Senator Knudsen. I think that section, Mr. Chairman, is self-explanatory. That is a very wise measure. I don't think that needs to be explained.

(The Clerk thereupon read Sec. 9 on page 20, as follows:

"Sec. 9. That section ninety-one of said Act is hereby amended by adding thereto the following:

"And any such public property taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purpose of schools, cemeteries, parks, roads, wharves, water works, sewer works, electric works, public buildings, or other public purposes, or acquired for any such purposes, may be transferred to the Territory by direction of the President, and any such property may thereafter be transferred to any city, county, or other political subdivision thereof, by direction of the Governor of the Territory when thereunto authorized by the legislature.'")

The Governor. The first portion of this section is to make it clear that the National Government may restore to the Territory property which it has taken or may take in the future for national purposes.

Senator Smith. Without Act of Congress?

The Governor. Without an Act of Congress. You know that the Federal Government has already taken over a great deal of property here for military and naval purposes, taken Diamond Head and Punchbowl and Waianae-uka and other tracts. The wharves down here, some of them, in Honolulu Harbor have been taken as well. Now whenever the Federal Government finds that it doesn't need those, it ought to have authority to turn them back, give them back to the Territory and that is the object of the first portion of this section. This last December when I was in Washington the Secretary of War decided that some of these things could be given back

now, but it is a question whether they can do it without having Congress give them the authority.

The second portion is to enable the President to turn over the title to the Territory of property,—lands and buildings upon them,—and other works such as wharves and water works and sewer works, etc., that are required by the Territory for public purposes. You know the title to all this property is now in the Federal Government. It was ceded to the Federal Government when annexation took place and we are spending millions of dollars on it. We have spent now under Territorial Government something more than three million dollars in erecting school houses and court houses and jails and wharves, constructing water works and all sorts of things on property that doesn't belong to the Territory. It belongs to the United States. We don't know when the United States will think that it needs them. It may be that the United States will take them over and use them. There may be a vacant piece of land. The title is in the United States. We may want to build a school house on it. Well, we would rather build it on our own property than on property belonging to the United States. We desire that, when we want to build a school house, the President can turn the land over so that the Territory will own it. Then, again, it provides that where necessary and when authorized by the legislature, such property may be turned over to the counties. Here again, as in the preceding section, the powers of the legislature are enlarged.

(The Clerk thereupon read Sec. 10 on page 20, as follows:

"Sec. 10. That section ninety-two of said Act is hereby amended to read as follows:

"Sec. 92. The following officers shall receive the following salaries, to be paid by the United States: The Governor, ten thousand dollars; the Secretary of the Territory, five thousand dollars; the Chief Justice of the Supreme Court of the Territory, seven thousand five hundred dollars; the Associate Justices of the Supreme Court, seven thousand dollars each; the Judges of the Circuit Courts, four thousand dollars each; United States District Judge, seven thousand dollars; the United States Marshal, four thousand dollars; the United States District Attorney, three thousand dollars. And the Governor shall receive annually, in addition to his salary, the sum of one thousand dollars for stationery, postage and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of two thousand dollars annually for his Private Secretary.'")

The Governor. This section was not inserted in the Act as originally drafted by me. It was a separate bill which was introduced in Congress a year ago, and the Delegate thought that it ought to be incorporated in this bill so as not to have so many separate bills, and so this was inserted in this bill. It is needless to say that I think it is a very good provision, although it increases my own salary: I think it is especially a good provision because it increases the salaries of the judges.

Senator Coelho. Who has to pay the salaries?

Senator McCarthy. Uncle Sam.

Senator Coelho. Kokua.

Senator Smith. Don't you think it ought to read "the following officers shall receive the following annual salaries?" if the word "annually" is omitted, it might be once in two years. It might be a salary of \$10,000.00 for the whole term of four years.

Senator Coelho. That is an appropriate section also for the salaries of the members of the legislature.

The Governor. I might say with reference to the preceding section, Section 9, that that is in the main in pursuance of a resolution passed, I think by the last legislature.

Senator Coelho. 1907.

(The Clerk thereupon read Sec. 11 on p. 21 of the document, as follows:

"Sec. 11. That section ninety-seven of said Act is hereby amended by adding thereto the following:

"Provided, that for the prevention and suppression of infectious and contagious diseases, and the improvement of sanitary conditions in Hawaii, such sum as shall be necessary, not exceeding twenty-five thousand dollars, shall be appropriated annually, to be expended under the direction of the governor, as occasion may require.")

The Governor. That I think is self-explanatory. I doubt very much whether this will get through Congress, but it was thought that we ought to make an effort to get it. The National Government is very much interested in health matters here, there being a good many men in the army and navy here; moreover, there is a great deal of national and international commerce passing through here and it is only right that they should help us out some. The Government has had a number of emergencies in health matters; once in a while plague breaks out and we have to call on the Honolulu Wharf Committee or the Hilo Wharf Committee to pay the bills.

Those committees I believe are now going to cease contributing money for this purpose and it is very important that the Government should have an emergency fund that it can use on plague or cholera or anything else of that sort, should they break out. So this was put in to help us to that extent.

(The Clerk thereupon read Sec. 12 on page 21 of the document, as follows:

"Sec. 12. That section one hundred of said Act is hereby amended by adding thereto the following:

"'All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to June twenty-ninth, nineteen hundred and six, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized.'")

The Governor. Two years ago Congress passed a new naturalization act which gives the circuit courts of the Territory jurisdiction to naturalize aliens without any question, but before that act was passed, it was a very serious question whether the circuit courts had that power, which was not given in so many words in the former Acts of Congress, and many people here and many members of the bar did not believe that the circuit courts possessed that power; nevertheless, and before the question was raised, these courts naturalized 889 people as American citizens. Now, this provision is intended to ratify and confirm those naturalizations so that those people won't find out some day that they are not citizens of the United States. They vote right along and rights of property may be involved in the question of their citizenship. It is only right that these should be ratified.

Senator Smith. I move that we express our appreciation to the Governor for his attendance at our invitation and thank him for his explanations.

Senator Coelho. Kokua. I second the motion.

The Governor. I thank you.

Senator Knudsen. I move the committee rise and report progress and ask leave to sit again.

The Chairman. The motion is carried.

DATA REFERRED TO IN REPORT OF COMMITTEE.

STATEMENT OF EXPENDITURES, LOAN FUND, FROM JULY 1, 1903, TO FEBRUARY 28, 1909.

Islands	School Houses	Buildings, Jails, Etc.	Landings, Wharves, Etc.	Roads, Bridges, Breakwater, Etc.	Water Works	Sewerage	Total
Oahu.....	\$265,701.28	\$173,817.32	\$626,637.26	\$221,263.90	\$607,428.72	\$135,543.27	\$2,030,391.75
Hawaii.....	100,313.75	37,358.99	3,497.24	165,127.53	11,499.12	29,805.17	347,601.80
Maul, Molokai, Lanai.....	124,840.04	41,453.85	15,203.20	130,327.30	41,733.38	.....	353,557.77
Kauai and Ni'ihau.....	50,685.49	.....	6,945.19	58,656.45	9,743.14	.....	126,030.27
	<u>\$541,540.56</u>	<u>\$252,630.16</u>	<u>\$652,282.89</u>	<u>\$375,375.18</u>	<u>\$670,404.36</u>	<u>\$165,348.44</u>	<u>\$2,857,581.59</u>
First loan (2 loans).....	.....	.....	.....	.....	.....	\$2,001,626.00	.....
Second loan.....	.....	.....	.....	.....	.....	735,937.50	.....
Third loan.....	.....	.....	.....	.....	.....	288,561.00	.....
	.....	.....	.....	.....	.....	.....	<u>\$3,026,124.50</u>
Expended, Public Works.....	.....	.....	.....	.....	\$2,857,581.59	.....	.....
Expended, Board of Regents.....	.....	.....	.....	.....	9,286.89	.....	.....
Unpaid Warrant (February 28, 1909).....	.....	.....	.....	.....	.....	\$2,866,868.48	.....
	.....	.....	.....	.....	.....	359.04	.....
	.....	.....	.....	.....	.....	.....	<u>\$2,866,509.44</u>
Cash balance, March 1, 1909.....	.....	.....	.....	.....	.....	.....	<u>\$ 159,615.06</u>
Total bonds outstanding, March 1, 1909.....	.....	.....	.....	.....	.....	\$3,959,000.00	.....
Refunding Republic of Hawaii bonds.....	.....	.....	.....	.....	\$ 600,000.00	.....	.....
Fire Claims bonds.....	.....	.....	.....	.....	315,000.00	.....	.....
To be deducted.....	.....	.....	.....	.....	.....	\$ 915,000.00	.....
Outstanding Public Improvement bonds.....	.....	.....	.....	.....	.....	\$3,044,000.00	.....
For which the Territory received.....	.....	.....	.....	.....	.....	\$3,026,124.50	.....

**PROCEEDINGS IN CONNECTION WITH ADDRESS
OF HON. C. W. FAIRBANKS TO THE LEGISLA-
TURE OF HAWAII, THE HOUSE AND SENATE
SITTING IN JOINT SESSION, MONDAY, APRIL
26, 1909.**

Hon. W. O. Smith (President of the Senate, Presiding).

Ladies and Gentlemen: It gives me great pleasure to introduce to you the Honorable C. W. Fairbanks, former Vice-President of the United States, who has for so many years been identified with the administration of the Government of a great republic and is of such distinction that we are highly honored in having him here with us. It has been our pleasure from time to time to have visits from those connected with the administration in Washington and with Congress, but I am sure that we have never welcomed one with more pleasure than we do our distinguished guest who is with us today.

In the matter of the legislative work of the Territory our experiences are very similar in many respects to those of legislative bodies in other communities. Each community has its own problems, and we have been working out our problems here for many years and with a great degree of success which has been gratifying, not only gratifying to us but to our friends across the water.

At the present session one of the most important matters which we have had under consideration is the financial question. Since annexation such a large portion of our revenues have gone to the Federal Government—from the customs receipts—that it has been with difficulty that the Territory has been able to maintain government and to administer the affairs of the government with a reduced revenue. We all desire that more public improvements should be made, that we should make greater advances, but we have been trying and are trying to live within our means. There is the matter of the caring for the education of the large number of children of various nationalities in the community. Difficulties have been presented and very great obligations have been placed upon us. In all these matters we have had the assistance and the advice of our friends in Washington and we look to them for help and for support. What we most desire today is to hear from our distinguished guest, but before asking him to speak to us, I call upon Senator Fairchild of the Senate to give us some words of welcome.

Senator G. H. Fairchild of Kauai: Mr. Fairbanks, Mr. President of the Senate, Mr. Speaker of the House, and Ladies and Gentlemen:

When I was called upon by our worthy President of the Senate to say a few words of greeting on the part of the Senate to our honored guest, I said that I would do so provided I be allowed first to explain that having been in the cane fields of Hawaii for twenty years that the oratory of the cane field was hardly a fitting oratory to use on an occasion such as this. I will therefore have to crave the indulgence of our honored guest and extend to you in almost broken English the heartfelt words of greeting from our Senate.

There are many problems, as our President of the Senate has just indicated with which we are confronted here in the Territory, and the fact that we have worked them out fairly well, I think, is due in a great measure to the fact that for eighty years we have been fitting ourselves to become American citizens not only in name but in fact.

The fact that the present legislature, composed almost entirely of Hawaiians, has about closed its labor, and passed an appropriation bill practically within the revenues, and also conducted an administration which compares favorably with the legislatures upon the mainland, speaks very highly for our present Hawaiian legislator. In considering the fact that it has only been a few years since these Hawaiians have come into the American fold, you might say, we must also take into consideration that when the American missionaries came a great many years ago they started in with the principles of American freedom, religion and politics, so that when annexation came the Hawaiian was to a certain extent prepared to assume the burdens under American citizenship. That he has done so and in a short time practically has forgotten the harsh feelings that were engendered at that time, speaks very favorably for him, and also for the American institutions under which he has come in, and has taken part, with a vigor equal to that of the American citizen upon the mainland. It must be remembered that for a great number of years we have been always sufficient unto ourselves in the conduct of our affairs here and whatever advantages we have gained during that time is due to our own efforts. Of course, when you come down to it, due credit must be given to the American missionaries for a sound foundation, and secondly you must give credit to the reciprocity treaty which made us financially a success. It has been claimed by some that under that reciprocity treaty we gained financially much more than we gave back to the mainland. This may be true in part, but not wholly so. However, we feel here that the position that we have maintained in

the Pacific by keeping alight out here in the middle of the ocean, the lamp of American freedom, politics and religion, and by sending back into the Orient people who have imbibed American ideals and principles, will in the future bring results which will far outweigh any financial advantages we may not have returned to the mainland under the treaty which we had from it.

Another thing has been charged against us and that is that we are a one-crop country. We realize our error and have for a number of years strived to introduce crops other than sugar—not so much on account of the criticism charged against us—but because we recognize that it is a mistake to rely solely upon one crop. However, if we look to the mainland we will find areas far larger than the combined area of these islands which today rely solely upon one crop. They are not criticised perhaps in the same way that we are, but still they are trying to do as we are, not to rely too much upon one staple. In quite recent years coffee has been tried, and was a failure to a certain extent. The rice industry today does not amount to as much as it did formerly, perhaps owing to the fact that we are losing most of our Chinese. But the pineapple, rubber industries and other kindred industries, to which even this legislature has appropriated large sums of money, show promise for the future. And the people who have benefitted most under the treaty of reciprocity have come forward voluntarily and allowed themselves to be heavily taxed in order that the ways and means may be provided for developing in this country opportunities for industries other than the sugar industry, and also for bringing more people into the country who will be eligible for American citizenship; in other words, we are doing everything we possibly can to carry out the principles of American government and policies.

This legislature has passed more responsibilities over to the people, and although it is a disputed question whether it would not have been wiser in the first place to have passed over to the people the power of taxation instead of passing only the power of spending money, I think it is generally recognized that the time has come and that in two years we will be in name and in fact upon the same basis as the government upon the mainland. In other words, we want to control our own affairs, so that the county government will have charge of its affairs and the municipal government will have charge of its affairs and the Territory will have charge of its own affairs, and upon those lines we will have home government in Hawaii. We believe that each county should choose its own men and carry forward its own policies, and we believe that the City of Honolulu should choose its own municipal officers and carry forward its own government. We also believe that as for eighty years we have conducted a government which may have had its faults, yet the re-

sults today show that it has had no more faults than many other governments, and that the Territory itself should be allowed to develop along the lines as though it were a State.

I don't think it is wise to take up any more time. I want to say to Mr. Fairbanks—I understand he is going to Kauai tonight—that I hope he will find the beauties of Kauai and Maui and Hawaii sufficiently attractive to him for him to say with Mark Twain after he has left us, that the breath of its flowers, etc., will cause him to remember Hawaii in his sleeping and waking hours for twenty years hence, and with these words on the part of the Senate, I bid you welcome.

Hon. W. O. Smith: On behalf of the House of Representatives, I would ask Representative Sheldon to speak.

Hon. W. J. Sheldon of Kauai: The honor is conferred upon me to greet you, Mr. Fairbanks, and to extend to you our heartiest welcome, and as we Hawaiians are in the custom of saying "Aloha nui," we say the same to you. We feel that we have been very fortunate to have such a great and strong friend in yourself to help us. The first matter of importance here was the establishment of popular government, placing the voting strength in the hands of the Hawaiians. That showed us that the people of the United States had confidence in us, that they were willing to entrust in us the local affairs of our government. You will find that that trust has not been abused, that our disposition is still, as it has always been, to welcome the stranger in our midst. We have our problems here to solve, problems which to the men who guide the country's destiny may seem insignificant, but to us as real and serious. A little over ten years ago since these islands have been adopted by the United States and already many changes have been brought about tending to bring our lives, socially as well as politically, in harmony with that upon the Mainland. Our aim is, with our own endeavor and with the assistance of such a great friend as yourself and others to so hasten the progress of Hawaii that she may reach her ultimate political destiny in due time—statehood. Being an Hawaiian-American myself, I feel assured that ever since the earliest civilization of the people of these islands, I assure you, that a warm heart and a welcome hand has always been extended to the people of the Mainland.

And on behalf of the members of this House and as a representative elected by the people, I wish to extend to you our most hearty welcome and hope that your stay with us here will be enjoyable and beneficial to yourself and of goodness to your family, feeling assured, as I do, that every one in Hawaii nei is ready to do what we can to welcome you. Aloha. (Applause.)

REMARKS OF HON. CHARLES W. FAIRBANKS BE-
FORE THE LEGISLATURE OF HAWAII,
MONDAY, APRIL 26, 1909.

Mr. Fairbanks: Mr. President, Mr. Speaker, Governor Frear, Senator Fairchild, Mr. Sheldon, Members of the Legislature of Hawaii:

I have not come for the purpose of making an extended address. I understand that you are now in the midst of the closing hours of a busy legislative session and that there still remains important work to be done. I have come rather to thank you for the hospitality that you have extended to me and those who are with me. It is impossible for me to find words fit to express the full measure of our appreciation of what you have so generously done. To those gentlemen who have been pleased to give utterance to your welcome, I wish to return special thanks for what they have so generously said.

It is with especial pleasure that I meet the joint assembly of the legislature of Hawaii. It is with particular pleasure I have come to visit the Hawaiian Islands, for I had some little part in the great transaction which made Hawaii a part of the republic of the United States. I also had something to do with framing the organic law under which the legislature that does me this honor was created. To the genius and statesmanship of one man above and beyond all others are we indebted to the fact that we greet each other today as citizens of a common country. I need not mention in this presence the name of the late William McKinley, President of the United States. (Applause.) We have produced many great men—and I say “we” because we are all now citizens of a common republic—but among them all no name stands higher in the respect and esteem of the men who owe allegiance to our flag than the name of William McKinley; and, I hope that in good time there will arise in these favored islands an imposing monument commemorating the virtues and far-sighted statesmanship of him who made the Hawaiian Islands a part of the territory of the greatest republic in this world. (Applause.)

It is with particular pleasure I address myself to members of a legislative assembly. For twelve years I had the great honor of being associated with the law-makers of the United States. I know something of the responsibilities that rest upon the law-making bodies of our Territorial, State and National governments. Those who have preceded me have well said that you have your problems different in some measure

from the problems which confront other portions of our country. It is because of local special problems which confront the ninety million who constitute the United States that we have our State and Territorial legislatures. While the problems are different, they are none the less difficult. Their solution is to be effected in the final analysis in all Territories and in all States in the same manner: according to the principles of our republican form of government. It is not always an easy matter for the legislator to see the way of his duty amidst the complicated and conflicting questions which address themselves to the consideration of a general assembly in a short legislative session. It is not possible for the members to always act aright—free from error. If they, exercising an honest and an intelligent judgment according to their best lights, commit error, their constituents will in a tolerant spirit forgive them. What can be demanded and what should be demanded always of a legislator, is that he shall exercise the best judgment that is within him, that he shall to the best of his ability inform himself with respect to every measure addressed to his conscience and then in the light of his duty record his potential verdict.

Under the organic law which we enacted at Washington creating the local government under which you act, we wisely provided for a legislature. There were some who then thought we were going too fast and too far, but subsequent events have vindicated the wisdom of our action. We reserved to ourselves, Governor Frear, the right to annul the acts of your legislature. Above the action of the Hawaiian legislature is the majesty—the power and authority of the Congress of the United States. The power we reserved to that great tribunal to set aside your legislative action is precisely the power that is reserved in the case of all of our grants of territorial authority. Be it said to the credit and the honor of the legislature of Hawaii there has never been necessity for the Congress of the United States to wipe from the statute books any act which you in your wisdom have seen fit to place there. (Applause.) From the first I had confidence that the legislative prerogatives which we vested in the people of Hawaii were wisely vested. My presence upon the islands during the last few days when I have had an opportunity to think—Governor Frear has put me through such a lively pace I have not had much opportunity to think—I have been more and more confirmed in the far-sighted wisdom of our action. President McKinley had faith in the people of Hawaii. Time has justified his faith.

We are all now interested in a common destiny. What affects your welfare in a measure affects the welfare of those

of us who dwell upon the Mainland. We are in a measure inter-dependent. Our political fortunes are now cast together. We are interwoven in the loom of the divine purpose. Your prosperity is our prosperity, your honor our honor. Therefore, we look upon your development with a friendly interest. One of the distinguished speakers who preceded me welcomed me as a stranger within your gates. That is figurative. I come really not as a stranger within your gates, for under American institutions I am a member of your household. (Applause.) And if we tarry too long in the islands of Hawaii I am afraid I shall lose some members of my household. (Applause.)

I never come into a chamber where the laws of the people are fashioned that I do not, figuratively speaking, come with uncovered head. The fountain of the people's laws should be as pure as the aspirations and the hopes of the people themselves. It is no place for selfish interests. Here the interests of the whole people alone should be supreme. I not only congratulate Hawaii upon the excellence of her legislative department, but upon the other departments of her government. Our fathers in ordaining republican institutions, wisely provided for a distribution of power into three coordinate departments. It is difficult to differentiate between the three and to ascribe to one greater power than to the others. They are each essential in our general political scheme. I have studied the history of Hawaii during the ten years of your dwelling under the protection of the American flag with very great interest. I have observed since I have been here that the people in the exercise of their sovereign power have chosen wisely with respect to those who shall make the laws. I have observed in the executive department broad-minded statesmanship, thorough and complete consecration to the important work of administering the laws. I wish I could give to each credit. Time forbids, but I cannot forbear to express my gratification at being able to meet here your able and faithful Chief Executive, the Honorable Walter F. Frear. (Applause.)

It is important as we progress, not only that we shall have incorruptible, wise legislators, able and fearless executives, but it is in the highest degree essential that the judicial department of our governments, National, State and Territorial, should command the popular confidence. I am pleased to be assured of what it was not necessary I should be, for I knew it without, that the laws are fairly interpreted and that justice is administered with fidelity to the law by such men as Judge Dole and his associate judicial officers of all grades. It means much to your future progress to be recognized as a wise, law-making and law-respecting community,—it means progress in

all of the avenues where honors are to be reaped. It is a great thing for an individual to have a good name, to stand out among his countrymen as a man of probity, high purpose, inflexible integrity. It means much more to the community to be of like good reputation. (Applause.)

Some people get impatient, with even members of the legislature, and some members of the legislature become impatient with themselves. I, of course, have no reference to the legislature of Hawaii (laughter). They sometimes think that legislative bodies are slow, that they do not get on swiftly enough, that they do not pass laws enough. The fact about it is that the legislative department should be a deliberative body. It should not proceed too swiftly. That department which has to enact the law governing and touching the people at so many points must proceed rather with wisdom than with speed. The fact about it is we are not in danger of having too few—the danger prevailing everywhere is that we shall have too many laws. (Applause.) I, of course, do not refer to the Hawaiian legislature. (Laughter.) The value of a legislator's service is not measured alone by the number of bills he passes, but rather by the character of the measures he secures the enactment of and by his opposition to ill-considered and unwise measures. The fact about it is that some of the most valuable service I have seen rendered by legislators within the scope of my own experience, has been opposition,—the defeat of unwise measures. A legislator who has not upon the statute books at the close of the session any measure of his own authorship need not feel disappointed if he has stood with intelligent resolution in opposition to the enactment of some that were not, though honestly intended, in the large public interest.

There is one tendency in government to which I would call your attention—now I am speaking largely—and that is the tendency to extravagance. Our people are smitten with this same vice in their domestic affairs. Everywhere in the last few years they have been reaping the harvest of prosperity in such ample degree that they have become reckless in their expenditures in their domestic concerns. This evil has insinuated itself into our public business: in State legislatures, the National legislature, in Territorial legislatures—outside of the Territory of Hawaii. (Applause and laughter.) It is a difficult problem for a legislator to draw the line between necessary and unnecessary appropriations. It is a difficult matter. Those who do not understand the practical work of legislators do not appreciate their embarrassment. They are sent here to their high office by numerous constituents who demand of them that they bring back some share of the gen-

eral public budget, and if they fail to do so they do not always look with a tolerant spirit upon their failure. Therefore, it is obvious that legislators are frequently forced, sitting in a representative capacity, to advocate measures involving expenditures which perhaps are beyond the limit of their own reasonable judgment. It is, therefore, important for us all to be generous with each other, to appreciate the embarrassments under which our representatives labor, and so far as we can coöperate together to limit the public expenditure to the reasonable public necessities. (Applause.)

It is important for legislative bodies to understand as well as other people that everything can not be accomplished in a day; that everything can not be done in a legislative session; that some reasonable public needs may not be immediately met without undue burdens being imposed upon the shoulders of the taxpayers.

I was glad to hear the distinguished President of the Senate say that this legislature had substantially confined its appropriations within the Territorial income. What that margin of difference is he did not pause to say but I take it that it must be on the right side. (Laughter.) Well, it is a good thing to be approximate if you cannot be absolute (laughter),—to bring the expenditure nearly within the income if you cannot bring it wholly so; but as a rule it is better to bring it entirely within the income. (Applause.) There are, of course, exceptions to all general rules; public exigencies which must be fairly met may occasionally make necessary a temporary departure from this wholesome policy.

Those who have the power of imposing taxes have a responsibility of very great moment. The American people are willing to support their government reasonably and economically administered. They make no complaint if the public need commands, but they have a right to expect of those charged with the administration of public affairs to exercise a high-minded, intelligent, conservative judgment always. That people make the greatest progress who listen most to the wise counsel of conservatism. If the people who owe allegiance to the Territory of Hawaii in the first instance exercise in their governmental affairs a wise discriminating influence, if they proceed only as their wisdom shall suggest, you are assured of increased future progress, socially, industrially and politically. (Applause.)

I find that I am elaborating a mere word acknowledging courtesy into a speech. I do not know how it is here. I know, however, that there are some upon the Mainland who when they get a chance to speak in a legislative assembly lose all thought of the flight of time. (Applause.)

The Hawaiian Islands rest here in their majesty and their beauty upon the bosom of the great Pacific. My good friend, Senator Fairchild, suggested that he hoped that I would in visiting the neighboring island of Kauai tomorrow—and I take it he must be a Senator from that island (laughter)—long remember my visit because of the sweet fragrance of the roses, as Mark Twain put it. I shall remember it, as I shall remember all of the islands I intend to visit, by the sweet fragrance of their flowers, but, above and beyond all that, by the inexpressibly sweet fragrance of the hospitality of the people. (Applause.)

I want, my friends, in conclusion to thank you for your unbounded hospitality. I know not whether good fortune shall bring me here again. I hope it may. (Applause.) Wherever I may go I shall carry with me pleasant recollections of this interesting historic event. I hope that all of the good may come to the people of Hawaii that in their most optimistic dreams they wish. This is the home of your birth, the home of your mature manhood and here the ashes of you and those you love will rest forever. Proud as you are to be Hawaiians, I am gratified to know that you are prouder still of the fact that you are citizens of the republic of the United States. (Prolonged applause.)

Hon. H. L. Holstein (Speaker of the House): Mr. Fairbanks, Mr. President of the Senate, Ladies and Gentlemen:

Today is a proud one, the most momentous day of this legislature, we feel so honored upon this visit. None who has ever been a member of this legislature, even from the days of 1901 when the first legislature was organized under the Territory of Hawaii, had ever thought that we would meet here in this hall, on this rostrum where the monarchs stood, or that today we should welcome you in these halls. We know as American citizens, as legislators and as people of Hawaii that whatever we have asked of the United States Congress we have received. We have been treated so well by Uncle Sam that there is no cause for complaint. We thank you again for this visit, and as you proceed with your party throughout the whole of Hawaii, God speed your return home.

I thank you again on behalf of the House.

EXPENSES OF SESSION**AMOUNTS DRAWN ON TERRITORIAL APPROPRIATION**

Warrant No	To.	For.	Amount.
1	David K. Baker, Compensation (1st Pymt.).....	\$	133.33
2	John T. Brown, Compensation (1st Pymt.).....		133.33
3	Chas. F. Chillingworth, Compensation (1st Pymt.).....		133.33
4	Wm. J. Coelho, Compensation (1st Pymt.).....		133.33
5	Geo. H. Fairechild, Compensation (1st Pymt.).....		133.33
6	Frank R. Harvey, Compensation (1st Pymt.).....		133.33
7	S. E. Kalama, Compensation (1st Pymt.).....		133.33
8	Eric A. Knudsen, Compensation (1st Pymt.).....		133.33
9	R. H. Makekau, Compensation (1st Pymt.).....		133.33
10	C. J. McCarthy, Compensation (1st Pymt.).....		133.33
11	H. T. Moore, Compensation (1st Pymt.).....		133.33
12	E. W. Quinn, Compensation (1st Pymt.).....		133.33
13	Wm. T. Robinson, Compensation (1st Pymt.).....		133.33
14	Wm. O. Smith, Compensation (1st Pymt.).....		133.33
15	Palmer P. Woods, Compensation (1st Pymt.).....		133.33
16	Paradise of the Pacific, Printing in Hawaiian.....		4.50
17	Bulletin Pub. Co., Ltd., Printing in Hawaiian.....		9.00
18	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		10.50
19	F. J. Testa, Translating in Hawaiian.....		4.29
20	Geo. K. Lowe, Translating in Hawaiian.....		6.90
21	Hawn. Star Newspaper Assn., Printing in Hawaiian.....		6.00
22	F. J. Testa, Translating in Hawaiian.....		5.16
23	W. C. Achi, Translating in Hawaiian.....		5.93
24	Hawn. Star Newspaper Assn., Printing in Hawaiian.....		7.50
25	Paradise of the Pacific, Printing in Hawaiian.....		10.50
26	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		4.50
27	Bulletin Pub. Co., Ltd., Printing in Hawaiian.....		7.50
28	W. C. Achi, Legal Services (S. B. 11).....		75.00
29	Hawn. Gazette Co., Ltd., Subscriptions to Pacific Commercial Advertiser.		36.00
30	Hawn. Gazette Co., Ltd., Subscriptions to Kuokoa.....		2.50
31	Bulletin Pub. Co., Ltd., Printing in Hawaiian.....		16.25
32	Hawn. Star Newspaper Assn., Printing in Hawaiian.....		4.50
33	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		15.00
34	Paradise of the Pacific, Printing in Hawaiian.....		25.50
35	Fred. W. Beckley, Translating in Hawaiian.....		17.00
36	F. J. Testa, Translating in Hawaiian.....		17.73
37	Bulletin Pub. Co., Ltd., Subscriptions to Evening Bulletin		30.00
38	W. S. Edings, Legal Services (S. B. 5).....		100.00
39	Hawn. Star Newspaper Assn., Subscriptions to Star.....		26.00
40	David K. Baker, Compensation (2nd Pymt.).....		133.33

Warrant No	To	For	Amount
41	John T. Brown, Compensation (2nd Pymt.).....		133.33
42	Chas. F. Chillingworth, Compensation (2nd Pymt.).....		133.33
43	Wm. J. Coelho, Compensation (2nd Pymt.).....		133.33
44	Geo. H. Fairchild, Compensation (2nd Pymt.).....		133.33
45	Frank R. Harvey, Compensation (2nd Pymt.).....		133.33
46	S. E. Kalama, Compensation (2nd Pymt.).....		133.33
47	Eric A. Knudsen, Compensation (2nd Pymt.).....		133.33
48	R. H. Makekau, Compensation (2nd Pymt.).....		133.33
49	C. J. McCarthy, Compensation (2nd Pymt.).....		133.33
50	H. T. Moore, Compensation (2nd Pymt.).....		133.33
51	E. W. Quinn, Compensation (2nd Pymt.).....		133.33
52	Wm. T. Robinson, Compensation (2nd Pymt.).....		133.33
53	Palmer P. Woods, Compensation (2nd Pymt.).....		133.33
54	Wm. O. Smith, Compensation (2nd Pymt.).....		133.33
55	A. H. K. Keohokalole, Laundry.....		.50
56	Hawaii Herald Pub. Co., Subscriptions to Herald.....		5.25
57	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		3.00
58	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		4.59
59	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		52.50
60	Paradise of the Pacific, Printing in Hawaiian.....		18.00
61	W. C. Achi, Translating.....		18.77
62	F. J. Testa, Translating.....		15.96
63	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		26.50
64	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		10.50
65	Bulletin Publishing Co., Printing in Hawaiian.....		12.00
66	Hawn. Gazette Co., Ltd., Subscription to Kuokoa.....		.50
67	F. W. Makinney, Clerical and Typing Work.....		92.70
68	F. J. Testa, Translating.....		28.90
69	Geo. C. Beckley, Jr., Automobile Hire.....		42.50
70	David K. Baker, Compensation (3rd Pymt.).....		133.34
71	John T. Brown, Compensation (3rd Pymt.).....		133.34
72	Chas. F. Chillingworth, Compensation (3rd Pymt.).....		133.34
73	Wm. J. Coelho, Compensation (3rd Pymt.).....		133.34
74	Geo. H. Fairchild, Compensation (3rd Pymt.).....		133.34
75	Frank R. Harvey, Compensation (3rd Pymt.).....		133.34
76	S. E. Kalama, Compensation (3rd Pymt.).....		133.34
77	Eric A. Knudsen, Compensation (3rd Pymt.).....		133.34
78	R. H. Makekau, Compensation (3rd Pymt.).....		133.34
79	Chas. J. McCarthy, Compensation (3rd Pymt.).....		133.34
80	H. T. Moore, Compensation (3rd Pymt.).....		133.34
81	E. W. Quinn, Compensation (3rd Pymt.).....		133.34
82	Wm. T. Robinson, Compensation (3rd Pymt.).....		133.34
83	Palmer P. Woods, Compensation (3rd Pymt.).....		133.34
84	Wm. O. Smith, Compensation (3rd Pymt.).....		133.34
85	W. C. Achi, Translating.....		67.49
86	F. J. Testa, Translating.....		24.08

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Warrant No.	To.	For	Amount
87	Bulletin Pub. Co., Ltd., Printing in Hawaiian.....		16.50
88	Bulletin Pub. Co., Printing in Hawaiian.....		25.50
89	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		52.00
90	Paradise of the Pacific, Printing in Hawaiian.....		86.25
91	Hawaiian Star Newspaper Assn., Printing in Hawaiian...		6.00
92	Hawn. Tel. & Tel. Co., Wireless to McVeigh.....		1.95
93	Inter-Island Steam Nav. Co., Trip of S. S. "Mauna Kea" to Leper Settlement.		275.00
94	J. D. McVeigh, Horse Hire at Leper Settlement.....		21.00
95	A. N. Cederloff, Clerk to Health Com. at Leper Settlement		7.50
96	Chas. H. Clark, Clerk to Health Com. at Leper Settlement		7.50
97	W. S. Edings, Legal Services (H. B. 161).....		50.00
98	Geo. C. Beckley, Jr., Automobile Hire.....		52.50
99	A. H. K. Keohokalole, Laundry.....		.50
100	Lucy A. Lloyd, Typewriting.....		2.45
101	Lucy A. Lloyd, Typewriting.		3.20
102	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		6.00
103	Hawn. Star Newspaper Assn., Printing in Hawaiian.....		16.50
104	Hawn. Star Newspaper Assn., Printing in Hawaiian.....		4.50
105	Hawn. Star Newspaper Assn., Printing in Hawaiian.....		15.00
106	Paradise of the Pacific, Printing in Hawaiian.....		13.50
107	Ke Aloha Aina, Subscriptions to Aloha Aina.....		3.00
108	W. A. Kinney, Legal Services rendered to Judiciary Com- mittee.		100.00
109	A. G. M. Robertson, Legal Services rendered to Judiciary and Ways and Means Committee.....		250.00
110	Wireless Telegraph Co., Wireless to Monsarrat re Senate Resolution No. 60....		6.30
111	A. H. K. Keohokalole, Laundry.....		.50
112	Geo. K. Lowe, Hire of Typewriter.....		10.00
113	William Savidge, Extra Compensation as per Senate Reso- lution No. 64.		141.00
114	Geo. K. Lowe, Extra Compensation as per Senate Resolu- tion No. 64.		60.00
115	F. J. Testa, Translating.....		38.25
116	Kuokoa Home Rula, Subscriptions to Kuokoa Home Rula		3.00
117	Ka Hoku o Hawaii Pub. Co., Subscriptions to Ka Hoku o Hawaii.		3.50
118	Pacific Publishing Co., Subscriptions to Malamalama....		2.50
119	Maui Publishing Co., Ltd., Subscriptions to Maui News..		5.50
120	Hawn. Gazette Co., Ltd., Printing in Hawaiian.....		33.00
121	Bulletin Pub. Co., Ltd., Printing in Hawaiian.....		18.00
122	F. J. Testa, Translating.....		25.04
123	A. H. K. Keohokalole, Laundry.....		.50
124	Oahu Railway & Land Co., Fares Trip Education Com- mittee to Boys' Industrial School.....		35.00

Warrant No.	To.	For	Amount
125	Manuel Reis, Automobile Hire.....		17.50
126	Manuel Reis, Automobile Hire.....		15.00
127	Viggo Jacobsen, Engrossing		23.64
128	Garden Island Pub. Co., Subscriptions to Garden Island..		5.25

Total amount drawn on Territorial Appropriation....\$ 8,330.24

EXPENSES OF SESSION

AMOUNTS DRAWN ON FEDERAL APPROPRIATION

Check No.	To.	For	Amount.
34	David K. Baker, Mileage.....	\$	36.80
35	John T. Brown, Mileage.....		45.80
36	R. H. Makekau, Mileage.....		36.40
37	Palmer P. Woods, Mileage.....		34.20
38	Wm. J. Coelho, Mileage.....		20.40
39	S. E. Kalama, Mileage.....		22.20
40	Wm. T. Robinson, Mileage.....		20.40
41	Geo. H. Fairchild, Mileage.....		22.00
42	Eric A. Knudsen, Mileage.....		25.60
43	William Savidge, Services as Clerk.....		108.00
44	George K. Lowe, Services as Asst. Clerk.....		56.00
45	Peter N. Kahokuoluna, Services as Sergeant-at-Arms.....		45.00
46	P. Victor, Services as Messenger.....		27.00
47	A. H. K. Keohokalole, Services as Janitor.....		27.00
48	John Kalino, Services as Chaplain.....		22.50
49	William Savidge, Postage Stamps.....		20.00
50	Chas. H. Clark, Services as Clerk to Printing Committee..		45.00
51	A. N. Cederloff, Services as Clerk to Accounts Committee.		35.00
69	William Savidge, Services as Clerk.....		72.00
70	Geo. K. Lowe, Services as Asst. Clerk.....		48.00
71	Peter N. Kahokuoluna, Services as Sergeant-at-Arms....		30.00
72	P. Victor, Services as Messenger.....		18.00
73	A. H. K. Keohokalole, Services as Janitor.....		18.00
74	John Kalino, Services as Chaplain.....		15.00
75	A. N. Cederloff, Services as Clerk to Accounts Committee		30.00
76	Charles H. Clark, Services as Clerk to Printing Committee		30.00
77	William Savidge, Cablegram to Taft.....		13.16
78	Paradise of the Pacific, Printing.....		255.90
79	Paradise of the Pacific, Printing.....		13.00
80	Hawn. Star Newspaper Assn., Printing.....		87.45
81	Hawn. Star Newspaper Assn., Printing.....		142.65
82	Hawn. Gazette Co., Ltd., Printing.....		3.90
83	Hawn. Gazette Co., Ltd., Printing.....		66.30
84	Hawn. Gazette Co., Ltd., Printing.....		89.25

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Check No.	To.	For	Amount
85	Bulletin Pub. Co., Ltd., Letterheads.....		25.25
86	Bulletin Pub. Co., Ltd., Printing.....		193.50
87	Bulletin Pub. Co., Ltd., Printing.....		13.50
88	W. W. Dimond & Co., Ltd., Furnishings.....		30.60
89	Am.-Hawn. Paper & Supply Co., Ltd., Typewriting Paper.		18.75
90	Oat and Mossman, Stationery.....		68.05
91	T. G. Thrum, Stationery.....		11.75
92	Frank J. Kruger, 8-day Regulator.....		21.00
93	E. O. Hall & Son, Ltd., Towels, Matches, etc.....		7.45
94	Hollister Drug Co., Ltd., Combs, Brushes, Fans.....		5.50
95	Emmeluth & Co., Document Cases.....		11.70
96	A. B. Arleigh & Co., Stationery.....		18.05
97	Office Supply Co., Ltd., Stationery.....		4.50
98	Fountain Mineral & Soda Works, Distilled Water.....		.50
99	Fountain Mineral & Soda Works, Distilled Water.....		.50
100	Oat and Mossman, Stationery.....		5.50
101	Hawn. Gazette Co., Ltd., Rubber Stamps.....		1.50
102	Hawn. Gazette Co., Ltd., Printing.....		19.50
107	Hawn. Star Newspaper Assn., Printing.....		23.40
112	Olaf Omstead, Assistance to Senate Committee on Ways and Means.		18.00
113	William Savidge, Postage Stamps.....		20.00
114	W. R. Riley, Painting Committee Rooms.....		20.00
115	W. R. Riley, Tinting Senate Chamber, Painting Floor, etc.		137.00
116	Hawn. Electric Co., Ltd., Electric Fittings.....		33.55
117	Theo. H. Davies & Co., Ltd., Cork Carpet.....		13.88
118	Lewers & Cooke, Ltd., Brads, Brackets, Door Checks, etc.		7.51
119	Lewers & Cooke, Ltd., Lumber and Mill Work.....		10.21
120	E. O. Hall & Son, Ltd., Sundry Furnishings.....		18.60
121	E. O. Hall & Son, Water Filter.....		4.00
122	Coyne Furniture Co., Ltd., Furniture.....		348.80
123	E. R. Bath, Removing Basin.....		1.00
124	E. W. Jordan & Co., Ltd., Matting and Zinc Ends.....		181.30
125	B. F. Ehlers & Co., Felt.....		1.75
126	J. H. Craig, Repairs, Senate Chamber.....		227.10
132	C. H. McBride, Reporting and Transcribing.....		61.32
133	Bernice K. Dwight, Typewriting.....		3.45
134	Bernice K. Dwight, Typewriting.....		14.60
135	Bernice K. Dwight, Typewriting.....		10.75
136	Caroline Crewes, Typewriting.....		10.75
137	Caroline Crewes, Typewriting.....		17.85
138	Caroline Crewes, Typewriting.....		3.00
139	Caroline Crewes, Typewriting.....		3.00
140	Caroline Crewes, Typewriting.....		12.70
141	Caroline Crewes, Typewriting.....		5.05

Check No.	To.	For	Amount
142	E. O. Hall & Son, Ltd.,	Safety Matches.....	.50
143	Oat & Mossman, Stationery.....		37.70
144	Oat & Mossman, Stationery.....		1.75
145	Paradise of the Pacific, Printing.....		41.55
146	Hawn. Star Newspaper Assn., Printing.....		36.25
147	Hawn. Gazette Co., Ltd., Printing.....		46.80
148	Hawn. Gazette Co., Ltd., Lettering.....		1.00
149	Hawn. Gazette Co., Ltd., Printing.....		23.40
150	Honolulu Planing Mill, Railing in Senate Chamber.....		450.00
151	A. B. Arleigh & Co., Ltd., Stationery.....		1.55
152	Bulletin Publishing Co., Printing.....		19.50
153	Bulletin Publishing Co., Printing.....		69.75
154	William Savidge, Services as Clerk.....		72.00
155	Geo. K. Lowe, Services as Asst. Clerk.....		48.00
156	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		30.00
157	P. Victor, Services as Messenger.....		18.00
158	A. H. K. Keohokalole, Services as Janitor.....		18.00
159	John Kalino, Services as Chaplain.....		15.00
160	A. N. Cederloff, Services as Clerk to Accounts Committee		30.00
161	Charles H. Clark, Services as Clerk to Printing Committee		30.00
206	Bulletin Pub. Co., Ltd., Printing.....		3.90
207	Hawn. Star Newspaper Assn., Printing.....		19.50
208	Hawn. Star Newspaper Assn., Printing.....		33.15
209	Oat & Mossman, Stationery.....		23.42
210	Am.Hawn. Paper & Supply Co., Ltd., Typewriting Paper, etc.....		27.30
211	T. J. Quinn, Automobile Hire.....		20.00
212	Hawn. Electric Co., Ltd., Electric Lamps.....		3.00
213	W. W. Dimond & Co., Ltd., Tumblers.....		.65
227	Caroline Crewes, Typewriting.....		.60
228	Caroline Crewes, Typewriting.....		29.35
229	William Savidge, Services as Clerk.....		72.00
230	George K. Lowe, Services as Asst. Clerk.....		48.00
231	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		30.00
232	P. Victor, Services as Messenger.....		18.00
233	John Kalino, Services as Chaplain.....		15.00
234	A. H. K. Keohokalole, Services as Janitor.....		18.00
235	A. N. Cederloff, Services as Clerk to Accounts Committee		30.00
236	Charles H. Clark, Services as Clerk to Printing Committee		30.00
237	Olaf Omstead, Services as Asst. Clerk to Ways and Means Committee.....		6.00
238	L. M. Whiting, Typewriting.....		38.00
239	Hawn. Gazette Co., Ltd., Printing.....		57.15
240	Bernice K. Dwight, Typewriting.....		1.95
241	Bernice K. Dwight, Typewriting.....		6.60

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Check No.	To.	For	Amount
242	Bernice K. Dwight, Typewriting.....		33.60
330	William Savidge, Services as Clerk.....		72.00
331	George K. Lowe, Services as Asst. Clerk.....		48.00
332	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		30.00
333	P. Victor, Services as Messenger.....		18.00
334	A. H. K. Keohokalole, Services as Janitor.....		18.00
335	John Kalino, Services as Chaplain.....		15.00
336	Charles H. Clark, Services as Clerk to Printing Committee		30.00
337	A. N. Cederloff, Services as Clerk to Accounts Committee		30.00
338	A. N. Cederloff, Typewriting.....		5.40
339	Caroline Crewes, Typewriting.....		.50
340	Caroline Crewes, Typewriting.....		.70
341	Caroline Crewes, Typewriting.....		82.70
342	Paradise of the Pacific, Printing.....		19.50
243	Hawn. Star Newspaper Assn., Printing.....		126.75
344	Hawn. Gazette Co., Ltd., Printing.....		35.10
345	Hawn. Gazette Co., Ltd., Lettering.....		1.00
346	Bulletin Pub. Co., Ltd., Printing.....		80.85
379	William Savidge, Services as Clerk.....		36.00
380	William Savidge, Postage Stamps.....		20.00
381	George K. Lowe, Services as Asst. Clerk.....		24.00
382	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		15.00
383	P. Victor, Services as Messenger.....		9.00
384	A. H. K. Keohokalole, Services as Janitor.....		9.00
385	John Kalino, Services as Chaplain.....		7.50
386	Charles H. Clark, Services as Clerk to Printing Committee		1.
387	A. N. Cederloff, Services as Clerk to Accounts Committee		15.00
388	A. N. Cederloff, Typewriting.....		9.00
389	Office Supply Co., Ltd., Stationery.....		5.50
390	Oat & Mossman, Stationery.....		6.20
390	Am.-Hawn. Paper & Supply Co., Ltd., Typewriting Paper		15.00
392	Bulletin Pub. Co., Ltd.....		18.30
393	Hawn. Star Newspaper Assn.....		27.00
394	Caroline Crewes, Typewriting.....		1.80
395	Caroline Crewes, Typewriting.....		3.85
396	Caroline Crewes, Typewriting.....		9.20
397	Caroline Crewes, Typewriting.....		4.40
398	Bernice K. Dwight, Typewriting.....		42.45
399	Bernice K. Dwight, Typewriting.....		9.25
400	William Savidge, Services as Clerk.....		36.00
401	George K. Lowe, Services as Clerk.....		24.00
402	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		15.00
403	P. Victor, Services as Messenger.....		9.00
404	A. H. K. Keohokalole, Services as Janitor.....		9.00
405	John Kalino, Services as Chaplain.....		7.50

Check No.	To.	For	Amount
406	Charles H. Clark, Services as Clerk to Printing Committee		15.00
407	A. N. Cederloff, Services as Clerk to Accounts Committee		15.00
408	Caroline Crewes, Typewriting.....		12.00
469	William Savidge, Services as Clerk.....		72.00
470	George K. Lowe, Services as Asst. Clerk.....		48.00
471	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		30.00
472	P. Victor, Services as Messenger.....		18.00
473	A. H. K. Keohokalole, Services as Janitor.....		18.00
474	John Kalino, Services as Chaplain.....		15.00
475	Charles H. Clark, Services as Clerk to Printing Committee		30.00
476	A. N. Cederloff, Services as Clerk to Accounts Committee		30.00
477	A. N. Cederloff, Typewriting.....		13.60
478	Caroline Crewes, Typewriting.....		2.40
479	Caroline Crewes, Typewriting.....		2.00
480	Caroline Crewes, Typewriting.....		23.50
481	Bernice K. Dwight, Typewriting.....		6.70
482	Bernice K. Dwight, Typewriting.....		72.50
483	Chas. A. Manu, Typewriting.....		33.25
484	A. B. Arleigh & Co., Ltd., Typewriting.....		1.50
485	Paradise of the Pacific, Printing.....		155.10
486	Bulletin Pub. Co., Ltd., Printing.....		12.60
487	Bulletin Pub. Co., Ltd., Printing.....		29.25
488	Hawn. Gazette Co., Ltd., Printing.....		19.80
489	T. R. Mossman, Services as Clerk to Health Committee...		20.00
490	William Savidge, Services as Clerk.....		72.00
491	George K. Lowe, Services as Asst. Clerk.....		48.00
492	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		30.00
493	P. Victor, Services as Messenger.....		18.00
494	A. H. K. Keohokalole, Services as Janitor.....		18.00
495	John Kalino, Services as Chaplain.....		15.00
496	Charles H. Clark, Services as Clerk to Printing Committee		30.00
497	A. N. Cederloff, Services as Clerk to Accounts Com.....		30.00
498	Caroline Crewes, Clerical Asst. on H. B. 74.....		10.00
499	Caroline Crewes, Typewriting.....		.55
500	Caroline Crewes, Typewriting.....		2.20
501	Caroline Crewes, Typewriting.....		40.15
502	F. J. Testa, Services as Clerk to Public Lands Com.....		5.00
503	Bernice K. Dwight, Typewriting.....		36.70
504	Ed. A. Namohala, Typewriting.....		1.30
505	Hawn. Star Newspaper Assn. Printing.....		67.65
506	Bulletin Pub. Co., Ltd., Printing.....		39.60
507	Bulletin Pub. Co., Ltd., Printing.....		9.75
508	Hawn. Gazette Co., Ltd., Printing.....		9.75
509	Hawn. Gazette Co., Ltd., Advertising Tenders for Print- ing Senate Journal.		10.50

REGULAR SESSION.

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Check No.	To.	For	Amount
510	Office Supply Co., Ltd., Typewriter Ribbons.....		4.50
511	Am.-Hawn. Paper & Supply Co., Ltd., Typewriter Paper..		18.75
591	William Savidge, Services as Clerk.....		72.00
592	George K. Lowe, Services as Asst. Clerk.....		48.00
593	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		30.00
594	P. Victor, Services as Messenger.....		18.00
595	A. H. K. Keohokalole, Services as Janitor.....		18.00
596	John Kalino, Services as Chaplain.....		15.00
597	Charles H. Clark, Services as Clerk to Printing Committee		30.00
598	A. N. Cederloff, Services as Clerk to Accounts Committee		30.00
599	F. J. Testa, Services as Clerk to Select Committee on S. B. 97.....		5.00
600	F. J. Testa, Services as Clerk to Public Lands Com.....		10.00
601	F. W. Makinney, Services as Clerk to Conference Com- mittee of H. B. No. 74.....		25.00
602	Bernice K. Dwight, Typewriting.....		185.85
603	Bernice K. Dwight, Typewriting.....		2.15
604	Caroline Crewes, Typewriting.....		1.20
605	Caroline Crewes, Typewriting.....		47.65
606	Henry Van Giesen, Typewriting.....		7.00
607	A. N. Cederloff, To services rendered re Appropriation Bill and Typewriting.....		21.00
608	Fountain Mineral and Soda Works, Distilled Water.....		1.50
609	Honolulu Planing Mill Co., Koa Desk.....		250.00
610	Oat & Mossman, Stationery.....		12.73
611	Am.-Hawn. Paper & Supply Co., Ltd., Typewriting Paper		19.13
612	Paradise of the Pacific, Printing.....		17.55
613	Paradise of the Pacific, Printing.....		6.50
614	Hawn. Star Newspaper Assn., Printing.....		5.85
615	Hawn. Star Newspaper Assn., Printing.....		30.00
616	Bulletin Pub. Co., Ltd., Printing.....		12.75
670	F. J. Testa, Services as Clerk to Public Lands Com.....		5.00
671	Caroline Crewes, Typewriting.....		1.50
672	Caroline Crewes, Typewriting.....		28.75
673	Caroline Crewes, Typewriting.....		8.50
674	Bernice K. Dwight, Typewriting.....		10.00
675	F. W. Makinney, Typewriting.....		15.20
676	Henry Van Giesen, Typewriting.....		27.25
677	C. H. McBryde, Reporting and Transcribing Fairbanks' Address.		7.90
622	D. L. Conkling, Services as Bill Clerk.....		125.00
623	William Savidge, Services as Clerk.....		36.00
624	George K. Lowe, Services as Asst. Clerk.....		24.00
625	P. N. Kahokuoluna, Services as Sergeant-at-Arms.....		15.00
626	P. Victor, Services as Messenger.....		9.00

Check No.	To.	For	Amount
627	A. H. K. Keohokalole, Services as Janitor.....		9.00
628	John Kalino, Services as Chaplain.....		7.50
629	Charles H. Clark, Services as Clerk to Printing Committee		15.00
630	A. N. Cederloff, Services as Clerk to Accounts Committee		15.00
678	Mutual Telephone Co., Ltd., Rent of Telephone.....		12.50
679	A. B. Arleigh & Co., Ltd., Stationery.....		4.50
680	A. B. Arleigh & Co., Ltd., Record Book.....		1.10
681	Office Supply Co., Ltd., Stationery.....		3.75
682	Oat & Mossman, Carbon Paper.....		4.50
683	T. G. Thrum, Carbon Paper.....		9.00
684	Hawn. Star Newspaper Assn., Advertising Tenders for Senate Journal.		12.00
685	Barnhart Ice Co., 920 lbs. Ice.....		2.75
686	Bulletin Pub. Co., Ltd., Printing.....		7.80
687	Bulletin Pub. Co., Ltd., Printing.....		27.30
713	A. N. Cederloff, Services as Clerk to Accounts Committee		35.00
715	William Savidge, Typewriting and Compiling 1500 pages of Senate Journal.		1,125.00

Total amount drawn on Federal Appropriation.....\$ 9,559.96

SUMMARY

Total amounts drawn on Territorial appropriation.....	\$ 8,330.24
Total amounts drawn on Federal appropriation.....	9,559.96
Total amounts drawn to date.....	\$17,890.20

E. & O. E.

Honolulu, May 25, 1909.

WILLIAM SAVIDGE,
Clerk of the Senate.

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		An Act to Amend Section 1 of Act 53 of the Laws of 1907, Relating to Witnesses' Fees and Mileage.....	336, 344, 348, 888, 889, 902, 1108, 1167
77	Fairechild:		
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80	Fairchild:		
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82	Ways and Means Committee:		
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83	Chillingworth:		
		An Act to Establish a Law Uniform with the Laws of Other States and Territories for the Acknowledgment and Execution of Written Instruments.	358, 366, 382, 599, 604, 618, 647, 789, 858
84	Makekau:		
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85	Harvey:		
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86	Coelho:		
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87	Baker:		
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89	Coelho:	An Act to Amend Section 1418F, Chapter 102 of the Revised Laws of Hawaii as Amended by Act 96 of the Session Laws of 1907 Relating to Merchandise Brokers	390, 412, 421, 912, 944
90	Coelho:	An Act to Provide for a Public Administrator and to Define his Powers and Duties.....	397, 412, 421, 944, 1115
91	Coelho:	An Act Relating to Militia Enrollment, Amending Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii, Adding New Sections thereto to be known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B, and Repealing Sections 130, 141, 142 and 166.....	402, 432, 437, 467, 494, 507, 587, 629
92	Kalama:	An Act to Amend Section 4 of Act 23 of the Sessions Laws of 1905, Relating to the Filing of Plans and Surveys of Land in the Office of the Registrar of Conveyances, and to Add a New Section to said Act to be known as Section 4A.....	402, 412, 421, 448, 453, 627, 664
93	Kalama:	An Act to Amend Section 1806 of the Revised Laws of Hawaii, Relating to the Lien of District Court Judgments.....	402, 403, 412, 421, 449, 453, 493, 826, 859
94	Makekau:	An Act to Amend Section 1069 of the Revised Laws of Hawaii, Relating to the Practice of Medicine.....	404, 437, 440, 527, 561, 873
95	Coelho:	An Act for the Relief of John A. Cummins.....	405, 432, 440, 452, 680 681, 709, 985
96	Woods:	An Act to Provide for the Vesting of Title of Trust Estates.....	428, 440, 446, 452, 505, 513, 528, 691, 723

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98	Chillingworth:		
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99	Brown:		
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100	Knudsen:		
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102	Coelho:		
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104	Coelho:		
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107	Coelho:	An Act Making Special Appropriations for the Use of the Government of the Territory of Hawaii to Pay the Unpaid Bills up to December 1, A. D. 1906.....	491, 492, 524, 529, 909, 912, 936, 1043, 1047
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109	Moore:	An Act to Amend Sections 2179, 2180 and 2181 of the Revised Laws of Hawaii.....	492, 503, 509, 524
110	Chillingworth:	An Act to Encourage Diversified Industries.....	492, 503, 510, 622, 635, 648
111	Fairchild:	An Act to Provide for the Payment of Commutation Due the Territory.....	516, 564, 565, 613, 619, 636, 964, 995
112	Kalama:	An Act to Amend Section 1203 of the Revised Laws of Hawaii.....	516, 565, 1021, 1026, 1035, 1108, 1161
113	Coelho:	An Act Amending Paragraph 3 of Section 3069 of the Revised Laws Relating to Contempt...	527, 564, 568, 572, 892, 904
114	Harvey:	An Act to Amend Chapter 94 of the Revised Laws of Hawaii as Amended by Act 112 of the Laws of 1907 Relating to Leper Settlement and Hospitals by Adding a New Section thereto to be known as Section 1122B....	527, 568, 572, 615, 619, 636, 1009
115	Fairchild:	An Act to Provide for the Conservation and Development of the Natural Resources of the Territory, being supplementary to Act 33 of the Laws of 1909.....	563, 572, 573, 580, 585, 596, 618, 917, 963

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135	Fairchild:	An Act to Provide for the Issuance of Licenses and the Collection of Fees Therefor by County Treasurers.	742, 764, 776, 829, 938, 961
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138	Fairchild:	An Act to Amend Act 62 of the Session Laws of 1909 Relating to the Expenditure of Public Money.	770, 794, 795, 805, 889, 900, 923
139	Fairchild:	An Act to Provide for Public Improvements in the Several Counties by Authorizing the Assessment and Collection of an Additional Property Tax and the Expenditure of the Proceeds thereof for that Purpose.	844, 869, 877, 890, 891, 894, 903, 912, 971, 1005
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